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HISTORY SECTION

KHALIFA'S CONSPIRACY

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An interesting episode which occurred towards the close of Babur's life was the intrigue set on foot by Khalifa Nizāmuddīn 'Alī to set aside Humayun and the other princes from the succession and to place on the throne Mahdī Khwājah, the Emperor's brother-in-law (*Dāmād*) who was married to his sister Khānzādā Begam¹ The plot deserves to be noted because its author was the chief minister of the state and had rendered good service to Babur It appears from the entries in the *Baburnāmah* that to the last he was with his master guiding and counselling in matters of state It is technically correct to call this attempt of the Khalifah a conspiracy but in reality it was in the nature of what Mrs Beveridge calls "a rumour of a plan of supersession of Babur's sons by

¹ Mahdī Khwājah was the son of Khwājah Musa and third husband of Babur's full sister Khānzādā Begam From Khwāndmīr we learn that he was a Saiyyid and belonged to the religious house of Tirmīz In 916-17 H he is described in a life of Ismail Safavī as Babur's Dewan Begī and was sent to Bokhara with 10,000 men He commanded the left wing at Panipat and was treated liberally by Babur At Khanua he was stationed in the left wing of the Mughal army Later he was appointed *Jagirdar* of Etawah and held that fief when Māham Begam journeyed through the country on her way from Kabul to Agra In 1530 Mahdī had served Babur for eleven known years. *Gulbadan, Appendix B*, p 298, *ibid*, p 301

Mahdī Khwājah at the instance of Mir Khalifa''² Probably Babur's failing health in 1529-30 encouraged such a design. He was greatly disappointed at Humayun's failure against the Uzbeks and had recalled Hindāl, his youngest son, whom he loved dearly. He desired to go to his northern dominions in person and, according to Ahmad Yādgar, when he heard of Sa'id Khan's invasion of Badakhshan and 'Abdul Azīz's rebellion, he proceeded as far north as Lahore but he left that place on the 4th March, 1530, and his intention of marching to Kabul and Transoxiana was interrupted by the strife in the east and also by his declining health.³ We learn from Gulbadan that he felt much depressed at this time and thought of giving up the world and retiring to a place of seclusion to pass his days in eremetical solitude. The strenuous exertions of a busy life had told on his iron frame, and although he showed, at times, readiness to put down rebellion and disorder, it is clear that he was no longer the same vigorous and intrepid man as he had been in his former days.

In striking contrast to his former purity of life, he now began to display an inordinate longing for the daughters of the Philistines, as represented by two Circassian girls, who had been sent to him as a present by Shah Tahmasp.⁴ To these girls, if Shaikh Zam is to be believed, he became greatly attached. Indeed during these last two years of Babur's life, his mental vigour unquestionably became seriously affected.

² A conspiracy is in law a combination by two or more persons to do an unlawful act or to do a lawful act by unlawful means — Kenny, *Outlines of Criminal Law*, p. 292.

³ *Tārīkh-i-Shāhī*, p. 42.

⁴ The two slave girls sent by Shah Tahmasp were Gulnār Aghacha and Nārgul Aghach in 933 H. They became recognised ladies of the royal household. Gulbadan mentions them several times as taking part in festivals and family discussions. *Memoirs*, p. 689.

The story of this intrigue may be briefly told. At this time Humayun was in Badakhshan. He had been there for the greater part of nine years fighting against the Uzbegs and had at one time felt very depressed as is shown by the letter in which Babur admonished him ⁵. All of a sudden, he left Badakhshan sometime in 1529 in spite of the remonstrances of the inhabitants and reached Kabul on the 8th of June, 1529, where he met Kamran and Hindāl. He asked Hindāl, though the latter was under orders to go to Agra, to take his place in Qila Zafar while Kamran was to maintain a tight grip on Kabul. He reached Agra in July of the same year to the great surprise of the court and presented himself before his father ⁶. No satisfactory arrangement had been made for the government of Badakhshan. Sa'id Khan of Kashgar had invaded the country and laid waste the environs of Qila Zafar, destroying men and cattle ⁷. The Uzbek danger still loomed on the horizon and Babur in his anxiety for the safety of his dominion asked Mir Khalifa to go there but he 'delayed to obey'. He then asked Humayun but he also expressed his unwillingness and added that he dared not disobey the royal command but he "would not voluntarily exile himself". At last Sulaiman Mirza was sent to take charge of Badakhshan.

Babur seems to have been worn out by all this worry and announced that he intended to retire to a hermitage in the Gold-scattering Garden and resign the kingdom to Humayun, now evidently returned to favour again ⁸. The Emperor was persuaded to desist from his purpose, and the importance of the episode lies merely in two things,

⁵ *Memoirs*, p. 628

⁶ This was about the 17th July, 1529, when the presents of Humayun and Māham were offered to the Emperor at Agra. *Memoirs*, p. 687

⁷ *T. R.*, p. 388

⁸ *Gulbadan*, p. 103.

first, it shows that Babur was now in a very feeble state of health, and secondly, it proves that Humayun had by his personal charm of manner as well as his dutiful behaviour completely secured his hold upon his father's affections

Shortly afterwards Humayun was sent to Sambhal with a large force to complete the settlement of his *jagir*. Here he remained for six months apparently in great content, but at the end of that period when the hot weather of 1530 was beginning, he fell dangerously ill. When Babur learnt of this, he ordered that the Prince should be brought to Delhi and thence by boat to Agra. But when Humayun arrived in Delhi, his condition was so critical that his companion, the dissolute Maulana Muhammad Parghal, sent an urgent message to Māham, then pleasure-seeking with her husband at Dholpur, 'Humayun Mirza is ill and in an extraordinary state. Her Highness the Begam should come at once to Delhi, for the Mirza is much prostrated.' Māham started forthwith to meet him and found him at Muttra. By the time he arrived in Agra his mind was wandering, and when Gulbadan Begam and her sisters visited him, they found he was delirious. Babur was deeply distressed when he saw his son's condition. Not long before he had lost a younger boy, Alwar, and doubtless his apprehensions were of the worst. When all ordinary medical remedies proved unavailing, the Emperor took counsel with the wise men of religion. A distinguished saint, Mir Abu Baqā, pointed out that according to old tradition, the sacrifice of the most precious possession of a sick man had been known occasionally to ransom him back to health. Babur remarked that he was himself his son's most precious possession, and announced his readiness to sacrifice himself for Humayun. The hearers remonstrated horror-stricken, and suggested that as a substitute, Humayun's great diamond should be sold, and the proceeds given to the poor. But the Emperor was immovable in his resolve. Having fortified himself with

special prayer, he walked three times round Humayun's couch, and exclaimed aloud that he had borne away his son's malady in his own person

By this rite, in which faith prevails even to-day among some Asiatic nations, Babur believed that he had ransomed his son from death. Humayun did recover, and the Emperor, long ailing, as we have seen, looked upon his life as forfeit ⁹ Some of those who tell this famous story, make it appear that Babur died at once This is contrary to fact Humayun left Agra and went back apparently to his *jagir* Evidently he found no grave cause for anxiety in his father's health, and saw no necessity for remaining The Emperor continued sickly for two or three months, but there seemed no immediate danger of his health Suddenly, however, he took a turn for the worse. Humayun was hastily summoned from Sambhal by an express sent by Khalifa himself ¹⁰ He was shocked at the change which had come over his father in the course of a few months saying to the doctors "I left him well, what has happened all at once" It was between the time when Humayun recovered from his serious illness, and the time when he was recalled to his father's death-bed that the conspiracy to which Khalifa lent his aid was formed

⁹ Gulbadan says (p 105) that the Emperor fell ill that very day but it appears from her narrative that he was already suffering from depression of spirit Mr S R Shaima attributes Babur's death to the poison given him by Ibrahim Lodi's mother and regards this story as a fabrication He relies on Gulbadan's testimony She says "When they felt his Majesty's pulse, they came to the opinion that there were symptoms of the same poison as that given him by Sultan Ibrahim's mother"

"But the symptoms of this illness were like that one's, seeing that day by day he lost strength and became more and more emaciated every day, the disorder increased and his blessed countenance changed" *J R A S*, 1926, pp 297-99

¹⁰ Gulbadan says, Humayun came from Kalinjar but other authorities say that he was at Sambhal The latter statement seems more likely *H N*, p 105

In discussing the nature of this intrigue, some fascinating problems present themselves. These are: Was there a conspiracy at all and, if so, when was it formed? Why did Humayun leave Badakhshan so suddenly? What was the Khalifa's motive? Why did the intrigue fail?

The only authority that gives a somewhat detailed account of the episode is Nizāmuddīn Ahmad Bakhshī, author of the *Tabqāt-i-Akbarī*, who completed his work 63 years after Babur's death in 1593. There is an air of unreality about it and we would have dismissed it summarily had it not been for the support which it receives from other sources like the *Akbarnāmah*, the *Salātīn-i-Afghānā* and the versified *Humāyunāmah* of which a copy exists in the British Museum. The author of the *Tabqāt-i-Akbarī* writes

"At that time (at the time of Babur's death) Muhammad Muqīm Harvī, father of the author of this work, was in the service of Babur and had been promoted to the rank of Mīr Bayūtāt. Amīr Nizāmuddīn Khalifa who was chief pillar of the state, for certain reasons which occur in the affairs of the world, feared the succession of the eldest son, how could he agree to the elevation of the younger ones. As Mahdī Khwājah, brother-in-law (*Dāmād*) of Babur was a generous, liberal and intrepid (*jawān*) man, the Khalifa, who was very friendly to him, decided to place him upon the throne. He declared it that all should go to Mahdī Khwājah to pay him homage. Mahdī accepted the role and began to assume royal airs."¹¹

This is supported by Abul Fazl who must have been informed of the truth by reliable persons. He writes

"When His Majesty Gīrī Sitānī Firdaus Makānī was in a highly critical condition, Mīr Khalifa on account of some suspicion (*tawahum*) which he entertained towards Humayun, and because it is the nature of mankind, took

¹¹ *Tabqāt*, p. 28

a short-sighted view of things and wished to place Maḥdī Khwājah upon the throne. The Khwājah too from his evil disposition and lack of understanding gave way to vain thoughts and coming every day to the Darbar created a disturbance."¹²

According to the versified *Humāyunāmah* it was the Khalifa who opened the door of disturbance.¹³ It appears from this work that there were some at Kabul who did not consider Humayun fit for kingship and doubted his capacity for the leadership of Turkish Amirs. Ahmad Yādgār, who copies the *Tabqāt*, writes

"When the Emperor died, Khalifa Nizāmuddīn, who administered the empire at the time, dreaded the prince on account of certain matters and was unfavourable to his succession. The other princes were at a distance. As Maḥdī Khwājah, brother-in-law of Firdaus Makānī, was a generous young man, the Khalifa wanted to place him upon the throne."¹⁴

The statements of these writers show that Khalifa intended to set aside Babur's sons and place Maḥdī Khwājah upon the throne. Khalifa's disappearance from politics after Babur's death, though not conclusive, is corroborative evidence of the existence of a plan of this nature. The plan was confined to Khalifa alone and there is nothing to show that any of the leading Amirs were taken into confidence by the aged minister. It seems as if Khalifa had decided without consulting any one to give the throne to Maḥdī Khwājah who does not figure as an active participant in the intrigue. Thus, the so-called conspiracy is reduced in the ultimate analysis to a ministerial plan which in essence amounted to an intention to supersede Babur's sons.

¹² A N, Asiatic Society Bengal Text, p 117 *dur har roz ba darbār amdah hangāmah haṣṣam garm mī-sākh*

¹³ H N (in verse), B M MS, p 24

¹⁴ *Empire Builder of the Sixteenth Century*, p 171

Mrs A S Beveridge has thrown out a hint that probably Babur intended such a supersession. She observes

"Reading the *Akbarnāmā* alone, there would seem to be no question about whether Babur ever intended to give Hindustan, at any rate, to Humayun, but, by piecing together various contributory matters, an opposite opinion is reached, viz, that not Khalifa only whom Abul Fazl names perhaps on Nizāmuddīn Ahmad's warrant, but Babur also, with some considerable number of chiefs, wished another ruler for Hindustan."¹⁵

"I suggest that the plan concerned Hindustan only and was one considered in connection with Babur's intended return to Kabul, when he must have left that difficult country, hardly yet a possession, in charge of some man giving promise of power to hold it. Such a man Humayun was not."¹⁶

From these remarks Professor Rushbrook-Williams has concluded

"So intimate had always been the connection between Khalifa and his master, that we are at first tempted to think that Babur himself may have encouraged the scheme in view of the fact that many of Humayun's actions, particularly the looting of the Delhi treasure-houses and the indolent administration of Badakhshan, had in late years given him great offence."¹⁷

This view is untenable. Soon after Māham's return from Kabul, Babur paid a visit to the gold-scattering garden and had a fit of depression. He said he wanted to retire after making over the kingdom to Humayun. He always had a high opinion of Humayun's talents though paternal admonitions were administered from time to time to keep him on the right path. It is true Babur strongly

¹⁵ *Memoirs*, p. 702

¹⁶ *Ibid.*, p. 705

¹⁷ *Empire Builder of the Sixteenth Century*, p. 171.

disapproved of Humayun's action in looting the Delhi treasures but he was pardoned soon afterwards, for after the battle of Khanua, we find him restored to favour again and richly rewarded. Further, he had given a good account of himself in the campaigns that followed this victory and his past misconduct must have been completely overlooked. That Babur intended the Prince to be his successor cannot be doubted in face of the clear testimony of Gulbadan Begam and his own death-bed pronouncement. His treatment of Humayun after his return from Badakhshan shows that he held him in esteem and intended him to be his heir. On the contrary, he was displeased with Mahdī Khwājah as the entries in the *Baburnāmah* show.¹⁸

The following passages in Gulbadan's narrative throw light on Babur's intentions.

"A few days later he made an excursion to the gold-scattering garden (*Bāgh-i-Zar-afshān*). There was a place in it for ablution before prayers. When he saw it, he said 'My heart is bowed down by ruling and reigning. I will retire to this garden. As for attendance, Tāhir, the ewer-bearer will amply suffice. I will make over the kingdom to Humāyun.'"

When Humayun fell ill, Babur became sad and pitiful and Māham Begam said.

"Don't be troubled about my son. You are a king. What griefs have you? You have other sons. I sorrowed because I have only this one. His Majesty rejoined

¹⁸ *Memoirs*, pp. 688-89.

See Mrs. Beveridge's note 2 on p. 688 of her translation of *Baburnāmah*.

From the *Tārīkh-i-Gualār* (B. M. Ms. Add 16, 709, p. 18), we learn that the Khwājah (Rahīmdād) and his paternal uncle Mahdī Khwājah had displeased Babur. Rahīmdād had resolved to take refuge with the ruler of Malwa and to make over Gwalior to a Rajput *samundar* of that country. Upon this Muhammad Ghaus went to Agra and secured forgiveness for Rahīmdād from Babur.

‘Māham’ although I have other sons, I love none as I love your Humayun I crave that this cherished child may have his heart’s desire and live long, and I desire the kingdom for him and not for others, because he has not his equal in distinction ’ ”¹⁹

When Babur’s illness increased and his blessed countenance changed, he is reported to have said to his chiefs whom he called together the next day

“For years it has been in my heart to make over my throne to Humayun Mirza and to retire to the gold-scattering garden By the Divine grace I have obtained all things, but the fulfilment of this wish in health of body Now, when illness has laid me low, I charge you all (*vasīyat mīkunam*) to acknowledge Humayun in my stead. Fail, not in loyalty to him Be of one heart and one mind with him I hope to God that Humayun also will bear himself well towards men ”²⁰

In giving an account of Humayun’s affairs just before his flight to Īrān, Gulbadan writes that Khānzādā Begam was sent by the Emperor to Qandhar to point out to Kamran and Hindāl the need for unity and co-operation Kamran insisted on the *Khutba* being read in his name Hindāl is reported to have said ‘In his lifetime His Majesty *Firdus-Makānī* gave his throne to the Emperor Humayun and named him his successor We all agreed to this, and up till now have read the *Khutba*’ Dildār asked Kamran to ascertain the truth about the *Khutba* from Khānzādā Begam At this the lady said, “If you ask me! well! as His Majesty *Firdus Makānī* decided it and gave his throne to the Emperor Humayun, and as you, all of you, have read the *Khutba* in his name till now, so now regard him as your superior and remain in obedience to him ”²¹

¹⁹ *H N*, p. 21, English Translation, p. 105

²⁰ Gulbadan, *H N*, p. 24, English, p. 109.

²¹ *Ibid*, p. 161, text, p. 62.

From this it is clear that Babur had meant Humayun to be his successor

That Khalifa acted contrary to his master's declared intentions cannot be demed. It is difficult to guess his motive. But it is clear that it was his dislike for Humayun which made him embark upon such a hazardous course. Abul Fazl is right in saying that he took a short-sighted view of things as sometimes happens in worldly affairs when men of ability and experience make mistakes and act from motives which defy analysis.²² Even Nizāmuddīn is not explicit and does not tell us the grounds for the minister's 'dread and suspicion'. Sir Henry Beveridge suggests that perhaps Mir Khalifa was afraid of Humayun's addiction to opium and was displeased at his leaving Badakhshan with such suddenness. The use of liquor and intoxicating drugs was common in that age and it could scarcely be regarded as a disqualification for the assumption of royal dignity. In Rajputana the use of opium is a recognised practice even among men of high rank and carries with it no loss of dignity or prestige. It is suggested that Khalifa was convinced of Humayun's utter worthlessness but this again is a baseless assumption. Humayun's career had so far been brilliant, he had taken part in his father's campaigns and is always mentioned in the *Baburnāmah* as occupying important positions on the field of battle. Some writers have exalted Khalifa's personal dislike for Humayun into a reason of estate but there is no warrant for such an untenable hypothesis.

It is difficult to accept Dr S. K. Bannerjee's view that Khalifa acted from the best of motives and that his political conscience was satisfied that by setting aside the Princes of the royal blood, he was furthering the interests of the state.²³ The reasons for Khalifa's choice of Mahdī

²² *A. N.*, I, p. 277, Note 1.

²³ *Humayun Badshah*, p. 19

given by the same author are purely conjectural and no useful purpose will be served by discussing them

Another interesting problem that arises in connection with this intrigue relates to the time when it was begun. Erskine says that it was a death-bed conspiracy.²⁴ While the Emperor 'lay at the last extremity,' Khalifa indicated his intention to the nobles and many of the principal men of the army 'waited on Mahdī Khwājah as their future sovereign.' There is little doubt that the final scenes were worked out when Babur's disorder was at its height.²⁵ According to Professor Rushbrook-Williams, the conspiracy began while Humayun was yet in Badakhshan where he is said to have heard of the plan to supersede him.²⁶ He writes that it was in the summer of 1529 far removed from the politics of the court that Humayun received the news which caused him the gravest anxiety. According to the same distinguished writer, there is strong presumptive evidence that it was his mother Māham who was now journeying in "leisurely fashion" from Kabul to join her husband in Agra who bade him return.²⁷ It is definitely assumed that she 'obtained intelligence of the plot to set him aside' while travelling through the Etawah district which was held by the rival candidate Mahdī Khwājah. It is difficult to accept this view. The intrigue does not seem to have begun while Humayun was in Badakhshan. Nor does it appear that Māham Begam was apprised of it in the Etawah country. According to the entries in the *Baburnāmah*, Babur was in Etawah on the 22nd and 23rd June, 1529, and reached Agra in the night of Shawwāl 20th, i.e., 27th June, 1529, which shows that she must have reached Etawah sometime after Babur's

²⁴ *History of India*, I, p. 514

²⁵ *A N*, A S B Text, p. 117. Beveridge's Translation, I, p. 277

²⁶ *Empire Builder of the Sixteenth Century*, p. 170

²⁷ *Ibid*, pp. 171-72

departure The earliest date on which she could have arrived is the 24th June If she learnt of the conspiracy about this time, it was not possible for her to inform Humayun in distant Badakhshan of Khalifa's plans so as to enable him to reach Agra on or before the 7th July, 1529 The offerings of Māham and Humayun were presented to the Emperor at Agra on the 7th July Thus it is clear that Māham had at her disposal only 13 or 14 days during which she could send a message to Humayun in Badakhshan asking him to come to the capital at once 'A fortnight or so was obviously insufficient for a journey from Etawah to Badakhshan and from Badakhshan to Agra Mir Khalifa may have had in his mind, the idea of displacing Humayun and his brothers but it never became manifest until Babur's illness became serious about December, 1530 ²⁸

From Humayun's peremptory departure, it has been inferred that he was aware of the plot and it was this which made him leave Badakhshan in spite of the remonstrances of the inhabitants who lived in perpetual dread of the Uzbeks Why did Humayun leave his charge? Abul Fazl says, he felt desirous of meeting his father and his desire was so strong that he could not suppress it ²⁹ From Ahmad Yādgār's account it appears that the Prince was called by Babur He relates the following story

"One evening the king was in his cups and summoned Muhammad Humayun When that off-spring of the royal tree came into the presence, His Majesty overpowered by the wine, had fallen asleep on the pillow The Shahzādā remained there standing motionless with his hands joined When the king awoke from a sleep at midnight, he beheld him standing and said, 'when did you come?' He replied,

²⁸ Babur died at the end of December, 1530, and Gulbadan says he kept bed for two or three months It was probably in December that his illness took a serious turn *H N*, p 105.

²⁹ *Akbar-namah*, p 114

‘When I received your commands’ The king then remembered having sent for him, and was much gratified and said, ‘If God should grant you the throne and crown, do not put your brothers to death, but look sharply after them’ The Shahzādā bowed down to the ground and acquiesced in all that his Majesty said ”³⁰

Mirza Haider who is a contemporary writes that Humayun was actually called by his father and among later writers he is supported by the author of the *Tārīkh-i-Khāndān-i-Tīmūriyā* who positively states that Humayun was called by Babur and Hindāl was appointed to the charge of Badakhshan ³¹ Erskine doubts the *Tārīkh-i-Rashīdī* and for good reasons Probably Babur would not have called the Prince without making adequate arrangements for the government of Badakhshan and he would not have asked him to go there again if he wanted him to be near him. Again, we learn, from the *Tārīkh-i-Rashīdī*, that Babur had recalled Hindāl Mirza after the death of Alwar and it is not likely that a sagacious ruler like him

³⁰ *Tārīkh-i-Shāhī*, p 128

From this we may conclude

- 1 That Babur had broken his vow of not drinking wine;
- 2 That he had called Humayun from Badakhshan,
- 3 That he was gratified at his arrival,
- 4 That he intended him to be his successor

But the truth of the story is open to serious doubt Professor Rushbrook-Williams in a foot-note (*Empire Builder*, p 174) values Ahmad Yādgār’s authority for he says his own father was in the service of Mirza Askari This is wrong This is what Nizāmuddīn Ahmad says in the *Tabqāt* about his father and Ahmad Yādgār, who copies him, has reproduced this passage also *Tabqāt-i-Akbarī*, p 37, *Tārīkh-i-Shāhī*, p 143

³¹ *Tārīkh-i-Rashīdī*, p 387, Khudabakhsha MS A U Transcript, p 153 This does not seem to be correct because Babur asked both Humayun and Khalifa to go to Badakhshan Hindāl was too young to shoulder such a responsibility On the contrary it appears from the *Akbar-nāmah* that Babur was so full of grief at the death of Prince Alwar that he had recalled Hindāl to be near him A. N , I, p 270

would have withdrawn both boys at the same time ³² We need not doubt Humayun's genuine desire to see his father and enjoy the amenities of court life at Agra. He may have grown tired of remaining in far-off Badakhshan where the Uzbeks constantly gave trouble. If the intrigue started at this time, and if Māham Begam knew of it, at any stage before reaching Etawah, why did she proceed in 'leisurely fashion' from Kabul to Agra reaching there after five months ³³ As the Prince's mother, interested in his succession more than any one else, she ought to have hurried at once to Agra to checkmate the plans of her son's enemies. That she was leading Babur to talk of him with affection just at the time of the Prince's arrival is not conclusive evidence of the fact that the Emperor was displeased with him or that she had knowledge of the conspiracy. There is nothing to show Babur's displeasure at Humayun's coming and Abul Fazl writes

"At this time the darling of the Sultanate, Mirza Anwar (Alwar) had just died and His Majesty was deeply grieved on that account. The coming of his Highness Jahānbānī was therefore a great comfort to his heart. His Highness Jahānbānī remained for a while in attendance on him and the Emperor many times declared that Humayun was an incomparable companion."³⁴

Apart from Abul Fazl's testimony, there are other facts to show that Babur was not offended with Humayun

³² *T. R.*, 389 "Babur loved Hindāl dearly," says Gulbadan, "when he was about to die, he repeatedly said 'Where is Hindāl? What is he doing? When will he come?' How tall has he grown?" He was shown a coat of Hindāl to give him an idea of his growth. Again and again he expressed regret at not being able to see Hindāl." *H. N.*, p. 106

³³ She started from Kabul on the 10th of 1st Jamad 935=20th January, 1529 and reached Agra on the 20th Shawwāl=27th June, 1529. Thus the Begam's journey from Kabul to Agra occupied nearly 5 months.

³⁴ *A. N.*, I, pp. 272-73.

and that the latter had no knowledge of Khalifa's intentions at the time of leaving Badakhshan. Neither Māham nor Humayun is reported to have mentioned the subject to Babur or complained to him of Khalifa's conduct after their arrival in Hindustan. Soon after Māham's arrival Babur paid a visit to the gold-scattering garden and announced his intention of retiring from the world and leaving the kingdom in Humayun's charge. Humayun was asked to go to Sambhal but if he had been aware of the plot he would have refused to leave the court at such a critical moment. If the conspiracy had extended over such a long period as the one suggested by Professor Rushbrook-Williams it would have become known to many members of the court circle and steps would have been taken to deal with it. Lastly, Babur's sacrifice for his son, when he fell seriously ill, shows his love for the latter and there is no evidence of the Khalifa resisting the Emperor's wish in this matter. If he had decided to supersede him, he would have certainly dissuaded Babur from offering his life.

After Humayun's arrival Babur asked Khalifa to go to Badakhshan but the astute minister 'delayed to obey'. From this it has been inferred that he wished to remain at court to complete the plan he had conceived. A close study of the circumstances does not lead to such an inference. It is probable that Khalifa refused to go for two reasons. First, that he had reached the age of superannuation and was not physically quite fit to undertake the government of such a difficult and distant charge as Badakhshan. Secondly, he judged it better to be near the Emperor who was declining in health and vigour.

The plot did not fail, it fizzled out. We have no means of knowing what Khalifa actually did to effectuate his intentions beyond merely expressing or declaring them. It was a mistake on his part to contemplate a change in succession by placing a man like Mahdī Khwājāh upon

the throne We may well doubt the Khwājah's suitability to become Emperor of Hindustan It is true he was descended from the Saiyyads of Tirmiz and belonged to that aristocracy of religion which had united by marriage with the bluest blood in the state He had been in Babur's service for several years and is mentioned in the *Baburnāmah* along with princes of royal blood either Timurid or Chaghtāi and is given a permanent place in the list of officers He was a brother-in-law of Babur and according to Nizāmuddīn a *Jawān, i e*, possessed of physical vigour and energy But in spite of his high connections he cannot be pronounced to have been a fit person to sit upon the throne of Hindustan He was a man of crazy temper and luckily it was his own folly that decided the issue. Thinking that he was supported by the most powerful minister of the realm, he began to give himself the airs of a king and coming to the *darbar* every day created disturbance His conduct alienated the sympathies of those few who might have thought of countenancing Khalifa's sinister move It was Mahdī's indiscretion and rashness which made Khalifa abandon the whole plan The story is related by Nizāmuddīn Ahmad

"It happened one day that Mīr Khalifa went to see Mahdī Khwājah who was in his pavilion Mīr Khalifa and Muhammad Muqīm Harvī, father of the author, were the only persons present with the Khwājah When Mīr Khalifa had sat for a while, the Emperor Babur in the pangs of disease called him When Mīr Khalifa came out of Mahdī's pavilion, the latter accompanied him to the door and stood in the middle of it and the author's father respectfully stood behind him As Mahdī Khwājah was a crazy man, being unaware of my father's presence, he stroked his beard when Khalifa had gone, and said 'Please God, I will play thee, old man' Turning round he saw my father, and being greatly agitated said, 'O Tājik! the red tongue destroys the green.' My father took his leave

and departed. He went hastily to Mir Khalifa and said, 'In spite of the fact that there are such able princes as Humayun Mirza and his brothers, you have shut your eyes against royalty and desire to transfer the sovereignty to another house. Now see what will be the result of it'."³⁵

Muqīm Harvī at once went to Khalifa and reported to him Mahdī Khwājah's words and told him that it was extremely unwise to transfer the sovereignty from Babur's house to another. Khalifa was terribly annoyed, he at once sent an express summoning Prince Humayun from Sambhal and gave an order that Mahdī Khwājah should be interned in his house and that no one should pay him a visit or have any kind of communication with him. He was forbidden to attend the *darbar*.

Humayun returned post-haste from Sambhal and found his father still alive but extremely weak.³⁶ The

³⁵ *Tabqāt*, pp. 28-29

The passage in the text is *Zubān surkh sarsabz midihād barbād*. Professor Rushbrook-Williams' translation runs thus, 'Often the red tongue has given the green head to the winds.' He explains it by saying that freedom of speech has brought venerable green-turbaned followers of the Prophet to the penalty of decapitation. Sir Henry Elliot's translation is 'O Tajik! the red tongue uses its sharp point to no purpose.' It is an allusion to the fate of the parrot in the *Tutnamah* of Nakshabī, a collection of stories and apologues. The meaning is clear. A foolish wagging of the tongue leads to ruin—*Empire Builder*, p. 177, *Elliot*, Vol. V, p. 188.

³⁶ Gulbadan says Humayun returned from Kalanjar but most of our authorities agree in saying that he was at Sambhal—*H N*, p. 105.

Nizāmuddīn says Humayun came on the death of Babur but this is not correct. Gulbadan is more reliable in this respect. In another place Gulbadan puts the following words in the mouth of Hindāl in speaking to Kamran:

"In his lifetime his Majesty Firdaus Makānī gave his throne to the Emperor Humayun and named him his successor. We all agreed to this and up to now have read the *Khutbā* in his name. There is no way of changing the *Khutbā*."—*H N*, p. 161.

Again Mirza Haider writes: "As his (Babur's) end approached, he entrusted all the Amirs and people of the world to Humayun Mirza (whom he had recalled from Badakhshan) and his own soul to the Creator of the world."—*T R*, p. 402.

dying Emperor called his chiefs together and bade them acknowledge Humayun as his successor Khalifa and the other nobles, Qambar Ali Beg, Tardi Beg and Hindu Beg who had stood by him through many of the chances and changes of fortune loyally accepted the decision.

Khalifa's plot was bound to fail. In Babur's family succession had always devolved on sons. Strangers were never asked to occupy the throne to the exclusion of lawful heirs. Besides, a Prince alone could command the loyalty of Mughal Amirs who would have never approved of a man like Mahdī Khwājah. When Humayun had left Badakhshan in charge of Hindāl, the inhabitants were much assured by the presence of the Prince although he was only a boy eleven years of age³⁷. Such was the homage paid to a man of royal descent among the Timurids. Mahdī Khwājah was certainly inferior to Humayun. The latter was a young man of charming manners, fine literary tastes and had proved his prowess in battle. The foibles and weaknesses of character which marred the success of his later life had not yet appeared and it is not fair to allow our judgment to be influenced by our knowledge of his subsequent career. Humayun had completely gained Babur's favour and would have succeeded in frustrating the intrigue even if it had assumed a serious aspect. Māham's influence would have also been cast on the side of her son and careful as she was in handling political issues, she would have created a strong party to back his claim. Khalifa at last realised the impossibility of accomplishing his design and took the only course open to a statesman loyal to the Empire. The intrigue was the outcome not of dread and suspicion so much as of prejudice and lack of far-sightedness. That it was soon forgotten is clear from the fact that Mahdī Khwājah was not

³⁷ When Hindāl went to Qila Zafar, it is said the Amirs who had offered to join Sultan Sa'id of Kashgar changed their minds. Such was the effect of the presence of the Prince. *T.R.*, p. 388.

deprived of royal favour and though Khalifa himself disappeared from history his sons were employed in the administration ³⁸

In an able and scholarly note appended to her translation of the *Baburnāmah* Mrs A S Beveridge suggests the substitution of Muhammad Zamān Mīrza for Mahdī Khwājah ³⁹ None of our authorities offer even the slightest hint to justify such a replacement Mrs Beveridge's arguments may be briefly summed up Mahdī Khwājah was not a Timurid and did not belong to a ruling dynasty He was not a *dāmād* of Babur nor was he *Jawān* It is inconceivable that Khalifa would place upon the throne any man not a Timurid

Muhammad Zamān was a Timurid and a *dāmād* being married to Māsūmā Sultan Begam, he was a *javān* and fulfils the qualifications attributed to Mahdī in the *T'abqāt* He was the eldest son-in-law of Babur, and a youngman being 35 years old He was given the sovereign status by Babur in April, 1529 ⁴⁰

Babur's outlook on Hindustan was different Kabul, not Delhi, was his chosen centre For several years before his death he had wished to return to Kabul. If Babur had pushed on as far as Samarqand, the Empire would have been divided and Humayun would have obtained a seat

³⁸ Khalifa probably died before the expulsion of Humayun from India in 1540, because his wife Sultanam was with the royal ladies and made her pilgrimage shortly after the flight to Sind Khalifa's complete disappearance from history is strong, though not conclusive evidence, of the intrigue which is attributed to him

His sons Muhibb 'Alī Khan and Khalid Beg continued in the service of the State Mahdī Khwājah was completely pardoned From Gulbadan's account of Hindāl's marriage with Mahdī's sister it appears that the Emperor had forgotten the past and bore no ill-will towards him He took part in the marriage feast and sanctioned arrangements on a magnificent scale

³⁹ *Memoirs*, pp 704—708

⁴⁰ *Memoirs*, p 662.

in the ancestral region and Hindustan would have been given to Babur Padshah's *dāmād*. She infers from the circumstances of the closing years of Babur's life that Humayun and his brothers were not to govern Hindustan.

The plan was changed by the sequel of Humayun's illness which led to his becoming Padshah. Humayun's illness, recovery and Babur's illness all made Humayun's life seem divinely preserved. It was the imminence of death which defeated all plans and Humayun was mounted Padshah.

With these arguments Mrs Beveridge supports her preference of Muhammad Zamān to Mahdī Khwājah. She has freely drawn upon her imagination in establishing her preconceived thesis. Mahdī Khwājah, though not a man of royal descent, belonged to a stock with which royal marriage was permitted. *Dāmād* means brother-in-law also and the appellation *javān* is used not in the sense of young but of possessing physical fitness and vigour. The reason why Khalifa chose Mahdī is that he was friendly with him and his relationship to Babur through his sister qualified him for the high office. Muhammad Zamān was not given sovereignty as Mrs Beveridge suggests. The entry in the *Baburnāmah* is to the effect

"He was presented with a royal head-to-foot, a sword and belt, a *tīpuchaq* horse and an umbrella. He also was made to kneel (*Yukunduruldi*) for the Behar country."⁴¹

This had been done in other cases too and by no means can be construed as conferring a right to the throne. Her suggestion that in the disposition of territories which Babur had planned with Khalifa he would have given Hindustan to Muhammad Zamān is entirely against Gulbadan's testimony cited before Babur's genuine sentiments towards Humayun made themselves manifest

⁴¹ *Memoirs*, p. 662

during the latter's illness and it is not correct to say that it was owing to the 'imminence of death' that he has declared Padshah. Why the *dāmād* was dropped is not because of his threat to flay alive the old minister but because the latter saw the futility of the whole plan. The desire to make provision for M'asūmā, however commendable, is scarcely a sufficient excuse for disinheriting lawful heirs and perpetuating civil war and strife in the empire.⁴² An intention of this kind cannot be attributed to Babur. He liked the climate of Kabul, it is true, but he knew the difficulty of conquering his ancestral regions. If Humayun was unfit to hold Hindustan, surely the transmontane regions would be more difficult still to maintain.

⁴² The following may be cited as an instance of Mrs. Beveridge's bold speculation in history.

"If Mahdi or any other competent man had ruled in Delhi, by whatever tenure, this would not necessarily have ruined Humayun, or have taken from him the lands most coveted by Babur. All Babur's plans and orders were such as to keep Humayun beyond the Hindukush, and to take him across the Oxus."

Introduction to Gulbadan's *Humayun-nāmah*, p. 27.

University of Allahabad Studies 1943

LAW SECTION

THE INDUS COMMISSION (1941-42)

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Inter-provincial or interstatal disputes regarding 'interference with water-supplies' have been contemplated in the Government of India Act, 1935. Under §130 of the Act it was not open to an unfederated State—and no State is yet a federated State—to make a complaint regarding interference with water-supplies.

The Report of the Indus Commission is a masterly document. In its wide research into American case-law, in its enunciation of the general principles for distribution of the water of inter-provincial rivers, and in its commendable anxiety to do substantial justice, the Commission has set a standard of which anybody of jurist-*cum*-specialists may well be proud.¹ This dispute is the first case that has arisen under §130 of the Government of India Act, 1935.

Under the Government of India Act, 1935, water—water-supplies, irrigation and canals, drainage and embankments, water-storage and water-power—is a subject

¹ The present author is personally aware of the assiduous efforts made by the learned Chairman of the Indus Commission to get into direct touch with all available authorities,—American and European.

falling in the Provincial Legislative List (Entry 19 of List II in the Seventh Schedule to the Act). "If there were no limiting provisions in the Act, each Province would, by virtue of this entry and §49 (2), be entitled to do what it liked with all water-supplies within its own boundaries. There are, however, §§130 to 132 of the Act which impose certain restrictions on the Provinces in this matter. If any action taken or proposed to be taken by one Province affects or is likely to affect prejudicially the interests of another Province or of any of its inhabitants, the Government of the latter Province may complain to the Governor-General under §130. Thereupon, after appointing a Commission of investigation, the Governor-General (or in certain circumstances, His Majesty-in-Council) may make such orders as he may deem proper in the matter, and under §131 (6) of the Act, the orders so made are binding on the Provinces affected thereby. The Act therefore recognizes the principle that no Province can be given an entirely free hand in respect of a common source of water such as an inter-provincial river. This is in accordance with the trend of international law as well as the law administered in all Federations with respect to the rights of different States in an inter-State river."²

The Government of Sind complained under §130 of the Government of India Act (1935), relating to certain irrigation projects constructed or being constructed or contemplated by the Government of the Punjab on the Indus and its tributaries. In pursuance of the provisions of §131 of the Government of India Act, 1935, the Governor-General appointed with effect from the 15th September, 1941, a Committee to investigate the complaint of the Government of Sind about their interests in the water from the Indus. The Commission consisted of the Hon'ble

² *Report of the Indus Commission*, Vol I, p 21.

[Mr Justice] Sir B N Rau, a learned Judge of the Calcutta High Court, as Chairman and Messrs P F B Hickey and E H Chave,—two competent Engineers

After visiting important sites of headworks, and holding formal and informal sessions at Simla, Lahore, and New Delhi, the Commission with commendable despatch issued its Report on July 13, 1942

SIND'S COMPLAINT

Sind's complaint was two-fold.—(1) That the effects of the Bhakra Dam project and various other projects already in operation or about to be completed will be to lower the level of the river in Sind and to impair seriously the working of Sind's inundation canals (2) That the Thal and Haven projects will create a serious shortage of water at Sukkur to the *rabi* season (October to March) and will "seriously affect" the efficient working of the Sukkur Barrage Canals

RIGHTS IN FLOWING WATER

What is the law to be applied in the adjudication of inter-provincial disputes of this character? The Report on the Indus Commission appraising the complexity and importance of this question, has elaborately examined this issue with a wealth of research and legal acumen that a word of just praise has here to be given to the learned Chairman, the Hon'ble Sir B N Rau

The rights of A as against B in respect of the flowing water of a river differ according to circumstances ³ Three main classes of cases may be distinguished —

I. Where A and B are both riparian owners, *i e*, owners of land abutting on the river

II. Where A is the Government of a Province and B is an inhabitant of that Province using the water of the river.

³ *Report of the Indus Commission*, Vol 1, p 14

III. Where A is the Government of one Province and B the Government or inhabitant of another, through both of which Provinces the river flows

I. In the first category, the law in India would appear to be the same as the common law in England ⁴ (*McCartney v Londonderry and Lough Swilly Ry Co* 1904 A C 301) That law may be briefly summarized thus.—A riparian owner or occupier has an unrestricted right to take and use the water of a stream for ordinary domestic purposes (such as drinking and washing) and for the wants of his cattle If his use is confined to such purposes he may exhaust the water altogether without being liable to be sued by a lower riparian owner Then again he may use the water for what are sometimes called “extraordinary purposes provided that the use is connected with the riparian land and that he returns the water substantially undiminished in volume and unaltered in character, *e g*, for irrigation of his own land but not to sell to others” In speaking of the returning of the water, we have in mind cases where the whole stream is diverted When only a part of the stream is taken for purposes of irrigation, the only limitation is that the amount taken shall not be so much as to hurt the right of the lower owner to have the stream passed on to him practically undiminished (*S of State v Subbarayudu* 59 I A. 56)

- II Where the question is between the Government of a Province and an inhabitant of that Province, the rights of the Government may be different from those of a private individual §2(a) of the Indian Easements Act 1882 provides “Nothing herein contained shall be deemed to affect any law not hereby expressly repealed, or to derogate from (a) any right of the Crown to regulate the collection, retention, and distribution of the water of

⁴ *Vide Embrey v. Owen* 1851 6 Ex 353 *Swinden Waterworks Co v Wilt and Berks Canal Navigation Co*, 1875 L R II L 697

rivers and streams flowing in natural channels, etc , etc ”
It follows that the law as between riparian owners set out in the illustrations to §7 of the Act does not necessarily apply as between a private riparian owner and the Provincial Government

As to what are the rights of the Provincial Government, we have to consider two possibilities

- (1) There may be a statute on the subject, *e g.*, in certain parts of Northern India, the Northern India Canal and Drainage Act, 1873 (India Act VIII of 1873), (2) There may be no such statute

If there is a statute, the position is, of course, regulated by the statute itself

If there is no statute, the position would seem to be regulated by the *custom* of the locality in question In *Fisher vs. the Secretary of State for India* (32, M 141)⁷ it was held that at least in the Madras Presidency, the Government had power by the Customary Law of India to regulate, in the public interests, the collection, retention and distribution of waters of rivers and streams flowing in natural channels, provided that it did not thereby inflict sensible injury on riparian owners and diminish the supply they had hitherto utilized The rights of the Government are thus wider than those of an ordinary upper riparian owner, *e g.*, the Government can take water for purposes other than those of the riparian lands, provided, of course, the supply hitherto utilized by the riparian owners is not sensibly reduced ⁸

III With regard to the third category of cases as between the Government of one Province and the Government or inhabitants of another, there is an elaborate discussion in the Report of the legal position, in the course of

⁷ *Abho Prasad Rao v. Secretary of State for India*, 40, M 886

⁸ *Report of the Indus Commission*, Vol I, p. 17

which American, European, and Egyptian as well as Indian precedents are examined in detail.⁷ In connection with the present controversy, three agreements and one statute relating to the apportionment of common waters have been cited. The agreement between Mexico and the United States signed in 1906 related to the distribution of the waters of the Rio Grande River after the completion of a Storage dam by the United States in New Mexico, the agreement between Madras and Mysore signed in 1924 related to the distribution of the waters of the Cauvery river after the construction of the Krishnarajasagara Dam by Mysore, the agreement between Great Britain and Egypt signed in 1929 was with reference to the distribution of the waters of the Nile in connection with the storage dam which has been constructed at Sennar in the Sudan.

After an extensive research into relevant American and European precedents,⁸ the conclusion is drawn that the rights of the parties concerned in this dispute must be determined by applying the rule of "equitable apportionment," each party being entitled to a fair share of the waters of the Indus and its tributaries.

⁷ *Ibid* , pp 21—50

⁸ *American Case-Law*

Kansas v Colorado (1907) 206, U S 46

Wyoming v Colorado (1922) 259, U S 419

Connecticut v Massachusetts (1931), 282, U S 660

New Jersey v New York (1931) 283, U S 336

Arizona v California (1931) 283, U S 423.

Washington v Oregon (1936) 297, U S. 517

Arizona v California (1936), 298, U. S 558.

Wyoming v Colorado (1936) 298, U S. 573

Hynderslider v La Plata River and Cherry Creek Ditch Coy (1938) 304, U S 92

European Precedents

The Zwillikon Dam Case 1878 (Swiss Case)

The Donauversinkung Case 1927 (19 *The Danube*)

The Commission considers that an agreement between the parties providing for an apportionment of the Indus waters would undoubtedly be the most satisfactory solution, but such apportionment to be practicable would probably require the construction of two new barrages in Sind and would raise questions of finance which might prove insoluble without the intervention of the Central Government. In support of the suggestion for central intervention, the Commission points out the enormous volumes of water that are at present running waste to the sea. The new Punjab schemes, if permitted, would take up only a fraction of this waste. To enable these schemes to be executed without any risk to Sind, Sind's inundation canals would have to be converted into Weir-controlled systems. The two new barrages contemplated by Sind would however also bring under cultivation about 19 lakhs of acres of new land.

The Commission finds that the cumulative effect of the existing and contemplated Punjab projects would materially impair the working of Sind's inundation canals particularly in the month of September. The Punjab Government have given assurances that they will not take up any of their projects for the next three years. The Commission's first recommendation is that during this period, the Central Government should set up a Committee to examine the two barrage projects put forward by Sind as well as any alternatives and the possibility of financing them on suitable terms. On the materials before them, they consider that a contribution of Rs 2 crores by the Punjab would not be an unreasonable sum for that province to pay towards the cost of those projects. The Commission hopes that, as a result of the investigation by the proposed Committee, an agreed scheme will emerge whereby Sind will be able to have her barrages and the Punjab her storage schemes. But if the Commission's first recommendation is not accepted

and if no such agreement emerges, the Commission recommends that Punjab should be permitted to go forward with her contemplated project subject, in the case of the Bhakra and Beas dams, to the payment of compensation according to the principles of the Northern India Canal and Drainage Act, 1873

RE SURPLUS WATER AND SIND'S *Rabi* CASE

The Commission finds no sufficient reason for giving the Sind inundation canals a right to more water than they are entitled to under the recommendations of the Anderson Committee of 1935, but Sind should not be prohibited from taking any surplus water which may be running waste to the sea past the Sukkur barrage subject to certain provisos

As regards Sind's *Rabi* Case, the Commission's findings on the main issues are —

(1) that Sind's claim to priority of the Sukkur barrage over the Thal and Haveli projects cannot be endorsed in full, and

(2) that the authorised monthly withdrawals of the Sukkur barrage canals are "mean monthly withdrawals" in the sense that they may draw more than the sanctioned figures on one day and less on another, so long as the total withdrawal for each month does not exceed the sanctioned figure

DIRECTIONS AS TO COSTS

In accordance with the practice followed in America in inter-State disputes, the Commission recommends that the Punjab and Sind should bear their own costs as regards Counsel's fees, establishment charges, etc., and that the expenses of the Commission should be borne by them in equal shares ^a

^a *Report of the Indus Commission*, Vol. I, p 112.

A HELPFUL SUGGESTION

The Commission puts in a very valuable plea for the Governor-General (or His Majesty-in-Council) continuing to retain jurisdiction to modify his order as future circumstances may require ¹⁰ A growing tendency for the Court in disposing of an inter-State river dispute to continue to retain jurisdiction to modify its decree as future circumstances may require, is clear from American decisions ¹¹

The Commission is quite correct in its interpretation of §131(7) of the Government of India Act, 1935, that an order made by the Governor-General (or His Majesty-in-Council) upon the report of a Commission cannot be varied without the appointment of a new Commission. The words "if after a reference to, and report from, a Commission appointed as aforesaid" clinch this view. The suggestion made runs as follows — "But it seems to us that if the original order itself reserves liberty to the Governor-General (or His Majesty-in-Council) to prescribe certain specified particulars from time to time according to changing conditions, the necessary prescriptions may undoubtedly be made without the appointment of a new Commission" ¹²

The reason why the Commission has adverted to the Colorado precedent at length is that the Indus river system is a national asset the conservation of which is more than a Provincial problem and the Central Government (*vide* §§150 and 163 of the Government of India Act) may properly render such financial and other assistance as it constitutionally can "to prevent the waste of a national resource such as the Indus" ¹³

¹⁰ *Ibid* , pp 49-50

¹¹ 282 U S 660, and 283 U S 336

¹² *Report of the Indus Commission*, Vol I, p 50

¹³ *Para. 66, The Report*, Vol I, p 49,

SMRITI VERSUS USAGE

BY

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As early as 1868, in the case of *Collector of Madura v Mootoo Ramlinga Sathupathy*,¹ their Lordships of the Judicial Committee of the Privy Council said "The duty, therefore, of an European Judge who is under the obligation to administer the Hindoo law, is not so much to inquire whether a disputed doctrine is fairly deducible from the earliest authorities, as to ascertain whether it has been received by the particular school which governs the District with which he has to deal, and has there been sanctioned by usage For under the Hindoo system of law, clear proof of usage will outweigh the written text of the law "

From the date of the decision of the above case, which is one of the 'leading cases' on Hindu law, it has been regarded as a settled principle of the modern Hindu law that whenever there is a conflict between usage or custom and a rule of law as laid down in the texts, the usage must prevail An attempt will be made in these pages to see how far this view of the Privy Council can stand a critical scrutiny

The principal question for determination in the said case was whether, in the Madras school of Hindu law, a widow could, in the absence of an authority to adopt from her husband, adopt a son with the assent of the husband's kinsmen Their Lordships referred to the text of Vasishtha which said, 'Nor let a woman give or accept a

¹ 12 M I A 397

son without the assent of her lord '² They noted how this text had been differently interpreted in the Benares, Bengal, Mithila and Bombay schools, and next turned their attention to the treatises which were considered to be authoritative in the Madras school They found that the *Dattaka-chandrika* allowed the widow to give a son in adoption when her husband had not forbidden her to do so, that the *Smṛiti-chandrika* also permitted a mother to give her son if she had been authorised to do so by an independent male, and that the *Dattaka-mīmamsa* of Madhavacharya and the *Dattaka-mīmamsa* of Shri Rama Pandita clearly and explicitly declared the right of the widow to adopt with the authority of her father-in-law, etc In the result, their Lordships came to the conclusion that, in the Dravida or Madras school of Hindu law, in the absence of express or implied prohibition by the husband, a widow could adopt a son with the consent of the husband's kindred

It is evident that there was, in this case, no question of any real conflict between the texts and usage The Smṛitis were silent on the specific issue involved in the case, and the commentaries and digests considered to be authoritative in the school of Hindu law governing the case, only supported the conclusion at which the Privy Council ultimately arrived In fact, we do not find in the judgment of the Privy Council any discussion of the question of the authority of the texts *vis-à-vis* usage as sources of Hindu law It would rather appear that the Privy Council assumed, or was led to assume, that 'under the Hindoo system of law clear proof of usage will outweigh the written text of the law' The observation of their Lordships was of the nature of *obiter dicta*, but it came to be regarded as a definite pronouncement on the subject

² न स्त्री पुत्रं दद्यात् प्रतिगृह्णीयात् वा अन्यत्र अनुज्ञानात् भर्तुः ।

The authority of usage as one of the principal sources of Hindu law cannot be disputed. It is clearly recognised as a source of *dharma* in all the works comprised in the Dharma-shastra literature. The question is whether usage is to be recognised and given effect to when it is manifestly contrary to the written law, the Shruti and the Smriti.

The Vedas, though the fountain-head of all law, contain very little of forensic law. So the question of a conflict between them and usage is not of much practical value. But the question of the authority of the Smritis (with their commentaries and digests) *versus* usage is of considerable importance in actual practice, and to that question we shall address ourselves now.

Among the authors of the Dharma-sutras, the earliest writer, Gautama (XI, 20), while laying down the duties of the King, declares that when there is any dispute between his subjects, the King shall decide it according to the law as laid down in the Vedas, the Dharma-shastras, the Vedangas, the Upavedas and the Puranas, and also according to local, caste and family, customs provided they are not opposed to the sacred literature.³ Apastamba (II, 6, 5, 1) also ordains that only those usages are authoritative which are not repugnant to the Shruti or the Smriti. Vasishtha (I, 5, 17) says that whatever has been laid down in the Shastras is the *dharma*, and that practices of wise and virtuous persons (usage) are authoritative in the absence of a provision in the Shastras.⁴

Coming to the metrical Smritis, we find Manu (II, 12) assigning the first place to the Vedas, the second to the Smritis, and the third to usage, in his well-known enumeration of the sources of *dharma*.⁵ We do not, however, find

³ तस्य व्यवहारो वेदो धर्मशास्त्राख्यगान्धुपवेदा पुराणं देशजातिकुलधर्माश्चान्नावैरविहृदा प्रमाणं ।

⁴ विहितो धर्मः । तदलाभे शिष्टाचारः प्रमाणम् ।

⁵ वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः ।
यतश्चतुर्विधं प्राहुः साक्षात् धर्मस्य लक्षणम् ॥

in the *Smṛiti* of Manu any clear and unambiguous rule as to what is to be done in the event of a conflict between the various sources. But the order in which Manu declares the sources of *dharma* is not without significance for the same order is adhered to by all the other writers of *Smṛitis*—a fact which cannot be explained away on the ground of metrical exigencies.

As stated, Yajñavalkya also declares the sources of law in the same order in Chapter I, verse 7 of his *Smṛiti*. In another place (I, 156), he says that even what is enjoined by scriptures ought not to be practised if it is opposed to public opinion for, he adds, it is not conducive to heavenly bliss.⁶ We shall examine the proper effect of this text on the relative authority of the sources at a later stage.

Narada (I, 40) appears to divide law into four classes, namely, *Dharma*, *Vyavahara*, *Charitra* and *Rajashasana*, and he further declares that each succeeding class supersedes the preceding one.⁷ Brihaspati (II, 18) and Katyayana (quoted in the *Smṛiti-Chandrika*) also follow Narada in this classification of law, as they follow him in respect of several other matters. There has been much controversy as to the precise significance and scope of the expressions employed by these writers to describe the said four divisions of law. According to Mayne, they respectively mean equity, law as laid down in the texts, usage and royal edicts or ordinances.⁸ If we accept this interpretation to be the right one, we have, doubtless, to hold that, according to Narada, usage over-rides the written text of the law.

⁶ अस्वर्ग्यं लोकविद्विष्टं धर्ममप्याचरेन्न तु ।

⁷ धर्मश्च व्यवहारश्च चरित्रं राजशासनम् । चतुष्पाद्व्यवहारोऽय उत्तरः पूर्ववाधकः ॥

⁸ *Hindu Law and Usage*, pp 15, 16 (1938 Ed.)

We now proceed to consider what the leading commentators and digest writers have to say on this subject. Vijnaneshwara, the celebrated author of the *Mitakshara*, is emphatically of opinion that usage inconsistent with the *Shastras* has no authority. Commenting on the text of Yajnavalkya (I, 7) referred to above, he says that in the event of a conflict between the various sources of *dharma*, the preceding one supersedes the succeeding one⁹. Therefore, according to him, the *Shruti* will supersede the *Smriti* and the *Smriti* will over-ride custom. Explaining another text (I, 343) of Yajnavalkya, Vijnaneshwara observes that the laws, usages and family traditions of a country which has been conquered ought to be followed as they were followed before provided they are not repugnant to the *Shastras*¹⁰. Similar are the comments of Vishvarupa and Apararka on the first text of Yajnavalkya noted above.

Medhatithi, the first commentator on the *Manu-smriti*, commenting upon Manu (II, 6), says that any act which is done by cultured persons, and for which there is no provision in the *Shruti* or the *Smriti*, is to be held as sanctioned by the *Vedas* in the same manner as an act authorised by the *Smritis*. In this way he clearly indicates that usages shall be deemed to be an authority if the *Shastras* themselves are silent on any point. To the same effect are the comments of Kulluka, another renowned commentator on the *Smriti* of Manu, on Manu (VIII, 41).

Mitra Misra in his *Viramitrodaya* (Digest, pp 25—29) also observes that, when there is a conflict between the *Shruti* and the *Smriti*, the *Shruti* is the authority, and when there is a conflict between the *Smriti* and usage, the

⁹ एतेषां विरोधे पूर्वपूर्वस्य बलीयस्त्वम् ।

¹⁰ यदा परदेशो वशमुपागतस्तदा न स्वदेशाचारादिसंकर कार्यं किं तु यस्मिन् देशे य आचार कुलस्थिति व्यवहारो वा यदेव प्रामाण्यं तथैवासौ परिपालनीयो यदि शास्त्रविरोधो न भवति ।

Smṛiti is the authority. He further cites an example saying that, although a marriage with the daughter of the maternal uncle is permitted by custom, it is regarded as improper and immoral because it is against the injunctions of the Smṛiti

Kumarīlabhatta, the greatest authority on the Purva-mīmamsa of Jaimini, while dealing with the *Padārtha-prabalya-adhikarana* in his *Tantra-vartika*, also maintains that usage which is inconsistent with the injunctions of the Shruti or the Smṛiti, has no authority as evidence of *dharma*. He says that that usage possesses an authoritative character which is not contradicted by the injunctions of the Shruti or the Smṛiti, and that if there be condemnation of the usage by such injunctions, its authority is negated ¹¹

Among the modern scholars and writers on Hindu law, Colebrooke, referring to the above-mentioned *adhi-karana* of the Mīmamsa, observes "Usage generally prevalent among good men, and by them practised as understanding it to be enjoined and therefore incumbent on them, is mediately, and not directly, evidence of duty. But it is not valid if it be contrary to an express text. From the modern prevalence of any usage, there arises a presumption of a correspondent injunction by a holy personage who remembered a revelation to the same effect. Thus usage presumes a recollection which again presupposes a revelation. Any usage which is inconsistent with a recorded recollection is not to be practised so long as no express text of scripture is found to support it" ¹²

¹¹ शिष्टं यावत् श्रुतिस्मृत्यो तेन यन्न विरुध्यते ।

तत् शिष्टान्वरणं धर्मे प्रमाणत्वेन गम्यते ।

यदि शिष्टस्य कोपः स्यात् विरुध्येत प्रमाणात्ता ।

तदकोपाच्च नाचारप्रमाणात्त्व विरुध्यते ॥

¹² *Miscellaneous Essays*, p 338,

Dr Jolly is also of opinion that usage cannot over-ride the Smṛiti 'It is nowhere asserted,' he contends, 'that in the case of a conflict between custom and the Smṛiti, the Smṛiti may be over-ruled'¹³

The same view has been taken by the late Mahamahopadhyaya Dr Sir Ganganatha Jha, one of the most eminent exponents of Hindu thought and culture in the present century After an elaborate survey of the whole subject he concludes "From the above we conclude that all the authorities are agreed on the following points— (a) The Veda is the first and paramount authority, (b) The Smṛiti is authoritative only in so far as it is not repugnant to the Veda, to which it owes its authority, and only on matters on which we have no paramount authority, (c) Practices or Customs are trustworthy guides only as they are current among the 'cultured,' and then too only those that are not repugnant to the Vedic or Smṛiti texts There is not a single text or 'explanation' which favours the opinion that Custom is to over-ride original texts"¹⁴

Mayne is inclined to the view that custom over-rides the Smṛiti¹⁵ He refers to the texts of Gautama and Vijnaneshwara but considers that 'the general requirement that the usage should not be opposed to the Vedas and the Smṛitis, is confined to the rules relating to religious observances (*achara*) and does not apply to the rules of civil law (*vyavahara*) as to which the texts of Narada, Brihaspati and Katyayana recognising the distinction between the two are decisive' He adds that 'all that Vijnanesvara and Kulluka mean is that custom should not be immoral or criminal or opposed to public policy, in which case it will cease to be the conduct of virtuous men'

¹³ *Tagore Law Lectures*, p 35

¹⁴ *Hindu Law In Its Sources*, Vol I, p 48

¹⁵ *Hindu Law and Usage*, paras. 33, 34

He further quotes the text (I, 156) of Yajñavalkya, noted above, in support of his view

Now, if Mayne's interpretation of Narada's text (cited above) is correct, there is no doubt that that text clearly supports the view taken by him. But in the absence of such interpretation of the text by the original commentators and digest writers, and in view of the fact that the text has been differently understood by prominent modern scholars, the feeling is strong that we may not be on firm ground by accepting Narada's text as our sole guide on such a knotty subject. Mayne's inference that the texts of Gautama and Vijnaneshwara have reference to religious law, does not appear to be well founded. The original texts have been noted above. It is remarkable that in Gautama's text as also the second text of Vijnaneshwara, the word '*vyavahara*' has been expressly used, and even Mayne agrees that that word signifies civil law. As regards the text of Yajñavalkya relied upon by him, the word '*aswargyam*' (which can only mean something like 'not conducive to heavenly bliss') occurring in the text, irresistibly leads one to think that the text contemplates religious matters only. The argument that the texts of Vijnaneshwara and Kulluka only mean that custom should not be immoral, etc., is hardly warranted by any canon of interpretation of texts as laid down in the *Mīmāṃsā* or the *Smṛitis*.

What has been stated in the foregoing pages will be enough to give a fair idea of the state of authorities on the subject under discussion. It will be abundantly clear that the subject is not so simple and free from controversy as it was taken to be by their Lordships of the Privy Council. It is unfortunate that there was only a passing reference by their Lordships to the subject, and we have not the benefit of that full, clear and scholarly, exposition of the subject which characterises several of the judgments of that august tribunal in that period. We cannot confident-

ly assert that the attitude of that tribunal in regard to this question would not have been different had it been thoroughly dealt with and examined by it. And now it is too late in the day to expect that this question will ever be re-opened and examined *de novo*.

The true character of binding usage has been well depicted by Mr Colebrooke in his 'Essays' the relevant extract wherefrom has been quoted above. It must, like the Shruti and the Smriti, be theoretically traceable to a divine source. It must be supposed to be based on lost or forgotten Shruti or Smriti. That alone can make it fit in with the theory of the divine origin of the Hindu law. When we start from these premises, the result is obvious that if any usage runs counter to the express ordinances of the Shruti or the Smriti, it cannot be supposed to be of divine origin if, of course, the extant Shruti or the Smritis are believed to be so. As such, it cannot have the binding force of the law. The view that as soon as any usage is proved to exist, and the Smritis (with their commentaries and digests) have the misfortune to differ from it, they are to be thrown to the wind like waste paper, is not only not sound on the face of it, but strikes at the very foundation of the sacred character of the Hindu law as laid down in the Shastras. Manu rightly assigned to usage the third place in his enumeration of the sources of law. It is to serve as a guide when the first two sources, namely, the Shruti and the Smriti, are unhelpful in any case being silent on the point at issue. The modern Anglo-Hindu Law has exactly reversed the order of precedence so meticulously propounded by Manu! But was it not Manu himself who declared —

अन्ये कृतयुगे धर्मास्त्रेतायां द्वापरेऽपरे ।

अन्ये कलियुगे नृणां युगह्रासानुरूपतः ॥ १-८५ ॥

CONFLICT OF LAWS IN INDIA AND THE POSITION OF INDIAN STATES THEREIN

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The origin and development of 'conflict of laws' is peculiar to every State. The necessary ingredients for the evolution and subsequent growth of this branch of law are peaceful existence of different States, and prevalence of commercial intercourse between them. The progress of this science of law at any time in a State is directly proportional to its association and commerce with other States. In England it is not till about the end of the first quarter of the nineteenth century, when the industrialization of the island brought about a rapid development of international travel and commerce, that one can mark this subject taking a definite shape. Cheshire describes the present state of conflict of laws in England as follows:

"[English Private International Law or Conflict of Laws] is still immature and vacillating, still far from complete. The decisions upon a considerable portion of the subject-matter are so scanty and in many cases so hesitant that the relevant principle is only too often a matter of conjecture."¹

"If contrasted either with the continental system or with the other main departments of English law it is, comparatively speaking, still in its infancy."²

In the Indian States, British India has had the prerequisites, though of a limited character, to develop a system of conflict of laws. This subject in the Indian

¹ *Private International Law*, 1938 ed., at p. v.

² *Ibid*, at p. 20.

legal system is, even then, conspicuous only by its absence. It might, at the same time, be stated that not only the idea, but the rules, rare and crude of course, of conflict of laws have been in vogue in this country from the earliest times and it might be easily contended that Rattigan's observation, *viz*, "And to come to India, the Brahmanical authors of the Code of Manu, had no higher consideration for the 'Mlecha,' who spoke a foreign language, than to include them in the category of beasts inferior to the elephant and horse, and only superior to the lion and tiger,"² meaning thereby to show that this branch of the law was not only absent but could not be conceived of under the ancient Hindu Law, is erroneous.

The establishment of the proposition affirmatively does not come within the scope of this paper, but it might suffice to quote the following texts of Manu and Narada to refute the conclusion which the learned author has aimed at. The ideas prevailing in those days were essentially different from the modern notions of conflict of laws, they, nonetheless, afforded a convenient and a reasonable way of resolving differences.

"A king, who knows the revealed law, must enquire into the particular laws of the classes, the laws or usages of districts, the customs of traders, and the rules of certain families, and establish their peculiar laws, if they be not repugnant to the law of God.

"Since all men, who mind their own customary ways of proceeding, and are fixed in the discharge of their several duties, become united by affection with the people at large, even though they dwell far asunder."^{3a}

"Of interest on loans, this is the universal and highest rule, but the rate customary in the country where the debt was contracted may be different.

² *Private International Law*, 1895 ed., at p. 3.

^{3a} The Institutes of Menu—by Haughton; Vol. II, Ch. VIII, VV 41 and 42.

"It may double, or treble, or, in another country quadruple, so in another, even octuple what is usual in the country, must be paid"^{3b}

However, to sum up the present state of the subject in our country, it would suffice to say that the remark of Best C J, made in relation to this subject in England of the year 1825, that "these questions of International Law do not often occur"⁴ suitably applies to India of to-day. And yet the necessity of development of this subject in this country needs no emphasis. There are strong but incalculable reasons to suppose that industrialization of India of the nature which might afford a free scope of development for this subject, will be brought about soon and what has so far failed to attract even a mere jurist will soon draw even practical lawyers to its cautious study. The literature of our country on this subject is almost nil. The continental literature is not at all available, while the Anglo-American literature at our disposal is not complete. Under these circumstances, there is everything to discourage the study of this subject. The humble contribution to this subject, through this paper, has been initiated by a desire to invite due attention to this branch of our law, and the object, it is hoped, will be realized by constructive criticism.

Every State has its own municipal code, primarily designed and enacted for its subjects resident within the territory. Initially, of course, no deficiency must ever have been realized in the accomplishment of such a legislation or the judiciary working upon them. But gradually as commerce and trade developed within and among the States, persons from one State found it convenient and profitable to go to and reside temporarily or permanently within the territory of another State, and to-day there is

^{3b} Quoted in the Digest of Jagannatha, translated by Colebrooke, p 41.

⁴ *Arnott v Redfern* (1825), 2 C & P, 88

no country in the world in which there may not be foreigners. Municipal laws, as initially conceived and framed to suit the requirements of a State and its subjects only, could not, consistently with due regard of justice, be applicable to foreigners in all cases, and then a foreigner could not conveniently or even possibly afford to suspend the exercise of his rights for the time being. And even if the latter were practicable, a good deal of the rights of foreigners would go unclaimed, unrecognized and unenforced, because they, arising perhaps under one system of law and contaminated or amalgamated by another, could not be worth the test by either. It thus became a practical necessity for every State to model its municipal code to meet the exigencies of the progressive society, either through positive legislation or the judiciary. Practice gradually developed to have free recourse to such foreign system of law, as justice in a particular case demanded, instead of the invariable application of the law of the forum, subject, however, to certain exceptions peculiar in its detail to different States. So far, there appears little difficulty. The real difficulty in this branch of law is presented by the problem of choosing a particular system of law in a given case, when there appear more than one system of law which seem to govern almost equally a particular issue in the case.

W, the widow of a British subject who had his domicile in British India, executed a bond for Rs 100/- in favour of *S*. The bond was executed by *W*, in Kolhapur where she was then staying. *W* was then seventeen years of age. *S* brings a suit in a court of British India to realize the sum under the bond. The representatives-in-interest of *W*, taking their stand upon the Indian Majority Act, plead in defence, the minority of *W*, as being then under the age of eighteen years. *S* contends that *W*, being then over sixteen years of age, must be considered as major according to the law as obtained in the State of

Kolhapur The question is which of these age-limits, *z e*, which of the two laws—British India and Kolhapur State—ought to govern the issue of the validity of the bond?

‘Conflict of laws,’ then ‘is that part of law which comes into play when the issue before the court affects some fact, event, or transaction that is so closely connected with a foreign system of law as to necessitate recourse to that system’⁵ Such a foreign element may present itself in various ways One or both of the parties to an action may be foreign either by nationality or by domicile; or the cause of action or ground of defence, may depend upon transactions taking place wholly or in part in a foreign country.

A, being in England, entered into a written agreement with *B* and others, a firm carrying on trade in Madras, to go to Madras and there enter into the service of the firm, the service to last for five years or to be determined at any time by a certain notice, and covenanted that on expiry of five years or sooner determination of the service, he would not carry on within 800 miles from Madras any business carried on by the firm, and also covenanted that on such expiry, or sooner determination, he would, whenever requested by the firm so to do, return to England The service is terminated, but *A* violates the stipulation The firm brings a suit against *A* in Madras for injunction and specific performance This stipulation is void and unenforceable as being in restraint of trade according to the Indian Contract Act, while according to the law of England, the validity would depend upon the further consideration whether the restraint was total or partial

The first thing for the consideration of the Madras Court would be to see if it has jurisdiction over *A* If it

⁵ *Ib* 1, at pp 6-7,

has, it will then proceed to ascertain whether the law of England or that of British India will govern the validity of the contract

Conflict of laws, thus, consists of the rules which (i) determine the limits of jurisdiction to be exercised by the courts of a country in dealing with a case which contains a foreign element, (ii) determine what particular system of law must the court, in case it has jurisdiction, apply, in a particular case, (iii) determine the essentials for the validity of a foreign judgment

Without entering into the gradually easing controversy about the basis of conflict of laws, it might be remarked that the basis in its origin leading to the evolution of the subject itself and fixation of the space of its operation, is essentially different from that in its advanced stage in reference to the working of the rules therein, and that the only way of ensuring justice is doing justice.

As to terminology, it may be stated that different names or titles of the subject have been suggested and adopted by different authors, but none of them is free from criticism, and the criterion of selection of one out of these is to-day purely a question of popularity or convenience rather than its accuracy. Two of these which have received wide acceptance are the "Conflict of Laws" and "Private International Law," the defects in the former being (a) that it is not comprehensive inasmuch as it signifies only that part of the subject which deals with the choice of law to the exclusion of the issue of jurisdiction and the validity of foreign judgments, (b) that the use of the word 'conflict' is misleading in so far as it suggests that two systems of law are struggling to govern a case; (c) that the use of the word 'conflict' is not always proper because in many cases the proper choice must be so simple that the term is quite out of place as a description of the subject, while the main defect in the latter is that it is misleading inasmuch as it implies that the subject forms

a branch of International Law "There is, of course, no affinity between Private and Public International Law. The latter comprises those universally accepted customs which are recognized by States in their public relations with each other, the former consists of rules which the courts of each territorial jurisdiction follow when a dispute containing some foreign element arises between private persons. There is, at any rate in theory, a common system of Public International Law recognized as binding by the law of nations. Private International Law is essentially part of municipal law. Moreover, as often as not a question of Private International Law arises between two persons of the same nationality, as for instance, where the issue is the validity of a divorce obtained by two English persons in a foreign country." The nominal confusion between these two branches of law is removed by adopting the convenient classification of law into 1 Public International Law, 2 Municipal Law (a) Internal Law, (b) Private International Law.

Conflict of laws, then, is distinctly a part of the Municipal law and no two countries in the world can be found to possess an identical set of rules of conflict of laws.

Conflict of laws from its nomenclature conceives of the existence of more than one system of laws just as Private International Law conceives of the existence of more than one State or country. The question that immediately presents itself is whether for the purposes of conflict of laws, every country in the world meets an alike treatment, or its laws accorded an uniform degree of respect from the rest, or has any discrimination of any nature been allowed to creep in this sphere. The following lines of Phillimore, whose conception about the nature of this subject, though definitely defective and different from modern writers on the subject, depicts a true picture of

^a *Ib* , at pp. 22-23

the position of different States in relation to conflict of laws in the Western countries

"Nevertheless, there are exceptional restrictions, which limit, in a Commonwealth of States, the application of this principle of a Common Law, they grow out of the reason and nature of the thing

These exceptional restrictions partake of a political and of a moral and religious character for International Comity, like International Law, can only exist in its lowest degree among Independent States, in its next degree among Independent Civilized States, and in its highest degree among Independent Christian States

With respect to Exceptional Restrictions arising from Moral and Religious considerations, no Foreign Law which enjoins or sanctions an institution, custom, or practice, at variance with the immutable Laws of Right written by the finger of God on the heart of man or with those which have been the subject of His express Revelation can be admitted into a Christian State"⁷

This distinction among various countries in the inter-communion of States for the purposes of conflict of laws, is presented by Dicey by qualifying 'country' with the word 'civilized' He explains 'civilized' in these words "This term is of necessity a vague one, it may for our present purposes be treated as including any of the Christian States of Europe, as well as any country colonized or governed by such European State, and any non-Christian State, at least in so far as it is governed on the principles recognized by the Christian States of Europe"⁸

"England, France, Mexico, the United States, Turkey and British India, in so far as governed by British Law, are civilized countries, and so is U S S R despite . Abyssinia, Afghanistan, the Hedjaz, even

⁷ Phillimore, *International Law*, Vol IV, 1861 ed. at pp 11—13

⁸ Dicey, *Conflict of Laws*, 1932 ed at p 23

Persia and China are not civilized States within the meaning of this rule ”⁹

Giving the reasons for such distinction the learned author proceeds “The reason why the rule as to recognition of acquired rights is limited, so as to apply to civilized countries only, is that the willingness of one State to give effect to the rights gained under the laws of other States depends upon the existence of a similarity in principle between the legal and moral notions prevailing under different communities Rules of the choice of law can exist among nations which have reached a similar stage of civilization ”¹⁰

From the above quotations the inclusion of India, nay British India, in the inter-communion of States with England for the purposes of conflict of laws, as also the limitations of this inclusion, is abundantly clear The ground of this inclusion is given by Phillimore in much the same words as Dicey with perhaps a narrower limitation “But a Christian State may possess a Heathen dependency, which it allows to continue under its own laws, and then, if the last Court of Appeal be in the Christian mother State, it must recognize the Heathen Law, even in case of marriage ”¹¹

So also in *Re Tootals Trusts*,¹² Chitty J, following Lord Stowell’s celebrated judgment in *The Indian Chief*,¹³ in laying down an exception in case of China, with regard to the general rule of the conflict of laws in England for the acquisition of the domicile of choice observed “The difference between the religion, laws, manners and customs of the governing community, may, as I have already pointed out, be such as to raise a strong presumption against

⁹ *Ib* 8 Whether the abolition of Capitulation Clauses in China on the 11th Jan, 1943, makes any difference in this sphere is not free from doubt

¹⁰ *Ib* 7, at p 14

¹¹ (1883) 23 Ch D 532, at pp 538-539

¹² 3 Rob Adm 29

the individual becoming domiciled in a particular country, but there is no authority that I am aware of in English law that an individual can become domiciled as a member of a community which is not the community possessing supreme or sovereign territorial power. There may be, and indeed are, numerous examples of particular sects or communities residing within a territory governed by particular laws applicable to them specially. *British India* affords a familiar illustration of this proposition. But the special laws applicable to sects or communities are not laws of their own enactment, they are merely parts of the law of the governing community."

Similar exceptions may be noted in the conflict of laws rules in America, which have considerable similarity with those in England. Spear J., delivering the judgment of the Supreme Court of Maine in *Mather v Cunningham*,¹³ after a review of all the relevant cases sums up the conclusion which these cases tend to "That is, an American may marry a Chinese woman, establish his business upon Chinese soil, accumulate a fortune there, raise a family, and declare his intentions of ever remaining, yet the influence of religion and customs of the community in which he has chosen to live and die is presumed to be so repugnant to the idea of Western civilization as to rebut all evidence of intention, however conclusive."¹⁴

Such discriminations among the States, though, to a certain degree and of a certain nature, a matter of practical necessity, must, in the best regards for justice, be reduced to the possible minimum. It is necessary to observe the gradual minimisation of this distinction due not only to the progress of other States but also due to the evolution of a common unit of measurement of civilization. In view of such tendencies, Dicey realizes the necessity of qualifying

¹³ [1909] 105 Me 326

¹⁴ Humble, *Cases on Conflict of Laws*, 1932 ed., p. 73

his aforesaid criterion of civilization by adding that "The proposition is simply an affirmative and limited statement, it neither affirms nor denies anything to the recognition of rights acquired under the laws of countries which are not in this sense civilized"¹⁵

The observations of Spear J, in *Mather v Cunningham*,¹³ exhibit a similar tendency in the history of conflict of laws of America "In this enlightened age the doctrine of immiscibility cannot be accorded such weight as to establish a legal presumption against all other evidence tending to prove *animus* In American jurisprudence, at least, it should be allowed to slumber with Quaker persecution, Salem witchcraft, and other kindred dogmas Since the dictum of immiscibility was first declared, the world has experienced a revolution touching the national, commercial, and trade relations between the nations of the East and those of the West"¹⁴

Conflict of laws is different in different countries The unification of the rules as obtained in various countries is perhaps an ideal never to be achieved Some of the principles applied by various systems of jurisprudence are so conflicting that they often lead to absurd results This may be illustrated by an example of the difference of the rules in relation to marriage, which leads to the unfortunate result that the same two persons are deemed married in one jurisdiction but unmarried in another

Mrs K L and Captain H L were British subjects married and domiciled in England Mrs K L instituted a suit U/S.9 of the Indian Divorce Act of 1869 for dissolution of her marriage on the ground that her husband had been guilty of adultery and cruelty The court being satisfied that the petitioner resided in British India at that time and that the matrimonial offence complained of was committed within the limits of its jurisdiction, passed a decree

¹⁵ *Ib.* 8.

of divorce. Now according to the conflict of laws rules in England, the competence to grant a valid decree of divorce rests exclusively with the court of domicile of the parties. In England, therefore, this decree of divorce would be invalid and inoperative with the result that the spouses continued to retain the status of husband and wife in England while they were not so in British India. Now if one of the spouses were in England, he (or she) could not afford to contract another marriage and if he (or she) did it, he (or she) would be charged of bigamy, while the other, if in British India, would be free to contract a second marriage.

Such a position arose between these two countries for the first time in 1921,¹⁶ but this hardship arising out of the difference of rules between these two countries was finally remedied by the legislation of 1926.¹⁷ Such remedies, however, cannot be worked out, when the difference exists or arises between two independent countries.

Conflict of laws rules in India are uncertain. The case-law on the subject is almost nil, a good deal of topics are entirely blank, and the few cases that are available do not lead to the evolution of a coherent set of rules. Some of the rules, *e.g.*, upon jurisdiction, foreign judgments, succession and marriage, etc., definitely framed upon those of England, have been incorporated in statutory enactments. English textbooks and case-law have been copiously cited and almost invariably accepted and similar rules adopted in this country. But it must not then be supposed that this branch of the law is identical in the two countries. It would not, at the same time, be wrong to say that they are, for the most part, the same. The difference, wherever it occurs, often arises only when a positive

¹⁶ *Keyes v Keyes and Gray*, 37 T L R 499

¹⁷ *Indian Divorce Act*, and the *Indian and Colonial Divorce Jurisdiction Act*.

legislation stands in the way of the courts in India and prevents them from adopting the English rules

Thus Sir Shadi Lal C J , while refusing to adopt the English conflict of laws rule of jurisdiction in case of a decree of divorce in *Lee v Lee*,¹⁸ said, “ As I have already said, the Indian Divorce Act, which does not in any way transgress the limits imposed upon the legislative authority of the Governor-General-in-Council, contains a definite rule founding jurisdiction on residence, and that rule must be obeyed The Indian Courts have no other alternative and they cannot allow themselves to be swayed by any consideration derived from a comparative study of the laws of other countries or by an argument based upon inconvenience ”

So also Oldfield J , in *K Narayana Moothad v The Cochin Sirkar*,¹⁹ while declining to adopt the English rule of voluntary submission to jurisdiction, observed, “ I do not consider whether the course of his pleading did, in fact, amount to waiver or not, because in my opinion the recognition of cases of waiver, as excepted from the ordinary provision of International law as understood in England, cannot be imported into the clear language of the Indian Code ”

There may be some illustrations wherein the courts in India, when free from legislative fetter, have critically examined English rules of conflict of laws upon their merits and their suitability to the conditions of British India, but they must be very rare indeed

A comparative study of the evolution and development of this branch of law in England and in India presents some striking differences between the two countries

In reference to the origin, it might be submitted that British India has not used that cautiousness in importing

¹⁸ (1924) *I L R* , 5 Lah 147, at p 177

¹⁹ (1915) *I L R* , 39 Mad 661, at p 662,

foreign rules of the conflict of laws, which England had done in its turn

Westlake traces the origin of this subject in England as follows

“Its (English) statute book, and the writing of those of its early sages whose names are revered as those of the law itself, are almost entirely blank on the head of foreign laws and judgments, but maxims have been adopted by the courts by means of which an extensive and tolerably consistent jurisprudence has been built up . . . , whence the maxims adopted in England were derived, and what was the justification for adopting them, are not yet merely of historical or speculative importance. The maxims adopted in England on questions of private international law were derived from those which prevailed on the continent. As little must it be supposed that the system, such as it was, was imported wholesale into England. Certain parts of it, which suited the national temper or some peculiarity of English law, were eagerly seized on. Thus the principle of the *lex situs*, or the real statute, was in harmony with the importance attached to landed property. . . . On the other hand, the English Courts were extremely backward in admitting a personal law of status and capacity, dependent on domicile, doubtless because the personal forum, which lies at the root of personal law, was not conceived in England, as already mentioned, to depend so much on a durable tie between the judge and his justiciable as on the defendant's casual presence within the territory”²⁰

There are strong and cogent reasons to suggest that British India has not been alive to the necessity of a critical analysis before ushering in a foreign conflict of laws rule, and it might be safely contended that while the continental maxims or rules of private international law have filtered

²⁰ Westlake, *Private International Law*, 1912 ed., at pp. 7—10,

through the English notions of suitability, convenience and adaptability in England, English rules of conflict of laws have been allowed to flow in India inconsiderately. It might, by way of an illustration, be suggested that any such considerations in India would have resulted in the rule of personal law of status and capacity like the continental countries, in contrast to the Anglo-Saxon countries which have chosen the law of domicil in these matters. Such, indeed, appears to have been the tendency in some of the earlier cases ^{20a}

With reference to the development of this subject, the striking difference is that in England this branch of the law has been allowed to grow and develop by judges and jurists, with as little legislative interference as possible, while in India the tendency has been just the reverse.

Story, in his commentaries on the conflict of laws,²¹ while observing that the practice of developing this system of law differs in different States, according to the organization of the departments of the government of each says "In England and America the courts of justice have hitherto exercised the same authority in the most ample manner, and the Legislatures have in no instance (it is believed) in either country interfered to provide any positive regulations. The common law of both countries has been expanded to meet the exigencies of the times as they have arisen, and so far as the practice of nations or the *jus gentium privatum*, has been supposed to furnish any general principle, it has been followed out."²²

Afterwards, speaking of the difficulty of applying the positive rules laid down by the continental jurists, he says, ". . . there is, indeed, great truth in these remarks of Mr Justice Porter, speaking for the Supreme Court of

^{20a} *Fernandez v Domingo de Silva* 2 Ben. S. D. R. 217
Durand v Boilard 5 Ben. S. D. R. 176

²¹ §§ 23, 24

²² *Humble, Cases on Conflict of Laws*, 1932 ed. at p. 2.

Louisiana 'They have attempted to go too far, to define and fix that which cannot, in the nature of things, be defined and fixed They seem to have forgotten that they wrote on a question which touched the comity of nations, and that that comity is, and ever must be, uncertain, that it must necessarily depend on a variety of circumstances, which cannot be reduced to any certain rule'²³ ''24

The above observation is in reference to the continental jurists claiming to lay down a common system of conflict of laws for various countries, but it is, it may be submitted, equally applicable in relation to the conflict of laws of a particular country, more so when it is in the initial stages of formation and crystallisation

So also Phillimore, speaking in high terms of the way in which this branch of English jurisprudence has developed, remarks 'And it may be observed that this branch of jurisprudence has been, and is being, more scientifically developed than others, by judges and by jurists. It is a matter for rejoicing that it has escaped the Procrustean treatment of positive legislation, and has been allowed to grow to its fair proportions under the influence of that science which works out of conscience, reason, and experience, the great problem of Law or Civil Justice''²⁵

It might, therefore, appear clear that conflict of laws rules cannot, from their nature, generally be stated in absolute terms and their incorporation in the curt language of a positive legislation is not only wrong in principle but to some extent unworkable in practice It can never be complete in itself The defect may be illustrated in reference to the provision in the Code of Civil Procedure in India with regard to the conclusiveness of foreign judgments, which was not only initially framed in

²³ § 28

²⁴ *Ib* 22, at pp. 2-3

²⁵ Phillimore, *International Law*, Vol. IV, 1861 ed., p. 11.

conformity (extending, perhaps, to cover even the doubtful exceptions) with the then English rules of conflict of laws, but which has at times been amended to keep pace with the English law on the point. One of the clauses under which the court is competent to refuse recognition to or enter into the merits of a foreign judgment is — “Where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognize the law of British India in cases in which such law is applicable”²⁶

The corresponding clause [s 14, (b)] under the Act of 1882 was “If it appears on the face of the proceedings to be founded on an incorrect view of international law or of any law in force in British India.”

Mulla²⁷ commenting upon this part of the amendment remarks that this alteration is only verbal. But it may be submitted that the alteration is quite material. The scope of defence to a foreign judgment under the amended clause has been appreciably curtailed, and has now been confined, at the most, to one specific branch of the municipal law of British India, while formerly it appertained to the whole.

Without proceeding, on the one hand, to lay exactly the English law on the point, or, on the other, to demarcate precisely the length to which the meaning of this or other relevant clauses might be extended consistently with their language, it might be readily submitted that the English rule corresponding to this clause has distinctly undergone a change. This may be ascertained by reference to any standard book on the subject or a review of case-law on the point. Westlake and Foote may, however, be chosen to support it, for the convenience which their language affords in establishing the proposition.

“It has been said that where English law was properly applicable to the decision of the foreign suit, and the

²⁶ Cl (c), S 13, of Act V of 1908

²⁷ *Civil Procedure Code*, 1934 ed., p 92

foreign court has mistaken that law, the English court must not enforce its judgment, also that the same result follows when the foreign court selected for the decision of the suit before it, the law of a country which was not applicable according to the maxims of private international law as received in England. But these views have become discredited in proportion as the idea has gained ground that the obligation to obey a foreign judgment is based on the competence of the court . . .”²⁸

“It has been stated that a foreign judgment will be reviewed here, if based upon an erroneous interpretation either of private international law or of English law, but the latter decisions clearly show that this is a misapprehension. There can be no difference, in the words of Blackburn, J, between a mistake made by a foreign court as to English law, and any other mistake, unless it is to be said that a defence which is easily proved is to be admitted, but that one which would give the court much trouble to investigate is to be rejected, and accordingly, no foreign judgment can be impeached by showing that it was wrongly arrived at. Nor does it make any difference that the error alleged appears on the face of the proceedings”²⁹

As against these may be cited some extracts from the judgment of Rangnekar and Macklin, JJ, in the very interesting case of *Mallappa Yellappa Bennur v Raghvendra Shamrao Deshpande*,³⁰ with the only object of affording a contrast with English law. The decision, as based upon a specific provision of law, is quite correct, but, in principle, it is not sound, though the judgment itself, in its results, could be otherwise based on other grounds

²⁸ *Ib.* 20, at pp 411-412

²⁹ Foote's *Private International Jurisprudence*, 1914 ed, at pp 522-523

³⁰ *I L R* [1938], Bom., 16 at pp. 29-30

“Apart from this, however, the last contention on behalf of the appellant is, in our opinion, conclusive of the question raised in this case. The appellant contends that this second judgment of the Savanur Court is founded on a complete disregard of international law in that it has ignored ‘the principle of submission’ which is recognized by all civilized countries and which confers upon a foreign court jurisdiction over a foreigner. A foreign judgment is impeachable for breach of any of the conditions specified in S 13 Rule 106 in Dicey is in these words (p 453). ‘A foreign judgment may be held invalid when the court pronouncing the judgment refuses to give such recognition to the law of other nations as is required by the principles of the conflict of laws ’ ”

With regard to Dicey’s Rule 106, referred to by their Lordships, it may be humbly suggested that while the rule itself, being couched in an elastic language, is appreciably different from the specific provision of Indian law, the commentary to the rule tends to modify this rule to an appreciable degree and brings it, more or less, into conformity with the extract from Westlake and Foote quoted above

The following submissions, in addition to those appearing from the above extracts of Westlake and Foote, may be made against the exception engrafted on the ground of an incorrect view of international law International law, as pointed out in *In re Queensland Merc Co*,³¹ is part of the law of the court which adopts it Private international law, as stated before, is essentially a part of the municipal law of every country³² An incorrect view of International Law or of private international law would mean, therefore, only an incorrect view of the municipal law of the adjudicating court There is no exception to

³¹ (1892), 1 Ch 219

³² See also Lord Mansfield in *Holman v. Johnson* (1775), 1 Cowp., 341, 343,

the recognition of a foreign judgment on account of its being based upon an incorrect view of its own law (foreign court-. How far, in principle, these two are reconcilable with each other, hardly needs an enquiry

As to other errors of fact or law, including an error of the law of the court wherein a foreign judgment is in issue, as affecting the validity of a foreign judgment, it would be well to refer to the review of the underlying principle by Cheshire

"When, however, it was established that the enforcement of a foreign judgment depended upon whether or not a legal obligation had been imposed on the defendant, the first view, that the merits of a foreign decision are open to review in England became untenable. It would stultify this doctrine of obligation if the English court were to arrogate to itself the liberty to examine whether the foreign court ought in the circumstances to have imposed an obligation upon the defendant . . . It is now established beyond any doubt that in an action on a foreign judgment the English court is not entitled to investigate the propriety of the proceedings in the foreign court . . . It is now decided that such a mistake (as to English law) does not excuse the defendant from performing an obligation that has been laid upon him by the foreign judgment ""³³

The object, in referring to the specific provision of law in India in reference to foreign judgments, is not so much a desire to invite the attention of the Legislature to the defect that is now distinctly visible, or to suggest to the Legislature to consider whether or not it is opportune to take steps to remedy this defect, as to emphasise that the presence of that particular section in our municipal code, prevents the judges from tempering the rules of conflict of laws with such modifications as might keep them in

³³ Cheshire, *Private International Law*, 1938 ed , at pp 616—619,

conformity with the very foundation upon which they have been erected

The abuses of codification of conflict of laws rules may be further illustrated with reference to S 5 of the Indian succession Act of 1925 as also of 1865 which definitely accepts the doctrine of renvoi S 5(2) read with the illustration (u) clearly shows that this section is based upon the decision of *Collier v Ruvaz*^{33a} in which Sir Herbert Jenner in the course of his judgment said that the English court must consider itself sitting in Belgium under the particular circumstances of the case ' The result is that while in England and elsewhere the doctrine of renvoi' has produced immense literature on the subject, in India the Legislature has cut down the very scope for the evolution of any literature It may be noted that the decision in *The Secretary of State for Foreign Affairs v Charlesworth Pilling Co*,^{33b} though delivered independently of and without reference to the above enactment, renvoi has been unequivocally accepted in India

In reference to the formation of this subject, it may be noted that in England, in the absence of any express legislation or precedent, judges are supposed to be guided by considerations of "convenience, equity and public policy,"^{33c} while in India the guiding maxim has been 'justice, equity and good conscience'^{33d} The latter undoubtedly is the nobler and more in consonance with the principles of justice, but it is doubtful whether the use of this maxim in this sphere is conscious, and it may be pointed out that unless adopted uniformly by all the States, it will always prove injurious to the subject of the State or States that adopt it

^{33a} (1841) 2 Curt 855

^{33b} (1901) L R , 28 I A 121

^{33c} Dicey, *Conflict of Laws*, 1932 ed , at p 10

^{33d} *Lucas v. Lucas* I. L. R. 32 Cal 187.

In India there are more than 600 Indian States, whose rulers are known as protected princes. It might have been a matter of some difficulty in defining exactly the precise relation of the Indian States, in general, to the Suzerain Power, it might still be a difficult task to predicate the least change in that relation which might grant them an International personality. It has, however, always been an easy affair to deny them the International status, as ordinarily understood for the purposes of Public International Law. "But for purposes other than those involving public international relationships, and more specially with regard to matters falling within the sphere of private international jurisprudence, these Native States of India, are considered separate political communities possessing an independent civil, criminal, and fiscal jurisdiction."³⁴

In *Statham v Statham and Gaekwar of Baroda*,³⁵ which was a petition in England for the dissolution of marriage with the respondent on grounds of adultery of the respondent with the co-respondent, Bargrave Dean, J, observed, " 'But, although His Highness is thus not independent, he exercises as ruler of his State various attributes of sovereignty, including internal sovereignty, which is not derived from British law, but is inherent in the ruling chief of Baroda, subject, however, to the suzerainty of His Majesty the King in England' "³⁶. Grotius, Pufendorf, and Vattel agree that in unequal alliances, the inferior power remains a sovereign State. Its subjects or citizens own allegiance only to their own sovereign. In my opinion this aptly states the true status of the present Gaekwar of Baroda, and it follows that His Highness by international law is not cap-

³⁴ Wheaton's *Elements of International Law*, Vol I, 6th ed by Keith at p 105

³⁵ [1912] P 92 at pp. 95-96

³⁶ Quoted from *India Office Certificate*,

able of being made a co-respondent , and his name must be struck out as a co-respondent ”³⁵

The word ‘country’ has, for the purposes of conflict of laws, a distinct meaning. It must in this sense be distinguished from its other and more popular signification.

“A country in the political sense of the word, means ‘the whole of the territory subject to one sovereign power,’ such as France, Italy, or the United States. To a country in this sense the term ‘realm’ or ‘State’ is often applied. A country in the legal sense of the word, means ‘a territory, which (whether it constitutes the whole or part only of the territory subject to one sovereign) is the whole of a territory subject to one system of law’ such, for example, as England, Scotland, or Northern Ireland, or as each of the States which collectively make up the United States. For the term ‘country’ in this sense of the word, there is no satisfactory English substitute ”³⁷

Thus “British Empire, while constituting one country, realm, or State in the political sense of the term country, consists of a large number of countries in the legal sense of the word, since England, Scotland, the Irish Free State, Northern Ireland, the Isle of Man, the different Dominions, provinces, States, colonies, protectorates, etc., are in this sense separate countries or law districts. The Indian Succession Act, 1925 (No XXXIX) treats India as a unit for purposes of domicil, but in most matters the provinces are quite distinct units, and so are the Indian States . ”³⁸

In *Shank Atham Sahib v Divud Sahib*,³⁹ wherein the learned counsel for the appellant contended that rules of private international law apply only to judgments of foreign independent States and not to that of a country which is subject to the same sovereignty as the country in

³⁷ Dicey, *Conflict of Laws*, 1932 ed., at pp 52-53

³⁸ *Ib*, 37

³⁹ (1909) *I L R* 32 Mad 469, at p 471.

which the judgment in question is sued upon, their Lordships (Munro, and Rahim, JJ) said, "The Ceylone court being outside the limits of British India is a foreign court as defined by S 2 C P C (Act XIV of 1882) and its judgments are foreign judgments And we are not aware that the validity of a foreign judgment, when it is obtained in the forum of a country with a system of administration and judicature separate and distinct from that of a country in which it is sued upon, though both the countries may owe allegiance to the same sovereign, is, apart from special legislation, regulated by rules different from those which regulate the operation of other foreign judgments" ³⁰

Referring to *Kassim Mamoojee v Isuf Mahomed Sulliman*,⁴⁰ their Lordships proceeded, "This is a direct authority negativing the appellant's position and it seems that no doubt was ever entertained that for the purposes of private international law two provinces, part of the same Empire, may be treated as foreign to each other" ³⁰

Under the existing laws and the administration of justice in British India, the cases involving questions of conflict of laws as between the provinces, must be rare, but they are none the less distinct units An example of this may be had from the case of *Lachmi Narain and Another v Fateh Bahadur Singh and Another* ⁴¹

This was a suit by the appellant for the specific performance of the contract for the sale of a house in Cawnpore The respondent *F B S* admitted the claim but the Court of Wards which had assumed the superintendence of his person and property prior to the contract took the position that *F.B S* was incapable of entering into any contract in respect of the house. This house, however, was not included in the list of property submitted by *F B S* to the Court of Wards

⁴⁰ (1902) *I L R*, 29 Cal 509

⁴¹ (1902) *I L R* 25 All 195, at pp 202-203

The learned counsel for the appellant contended firstly that the order, declaring assumption of the charge of the estate of *F.B.S.* made under Act No XVII of 1876 which was an Act which extended only to the territories which were under the administration of the Chief Commissioner of Oudh, cannot in law apply to property situated outside the local extent of that Act (*i.e.*, Oudh), and secondly, that *F.B.S.* was competent in law to contract and to sell the house

Their Lordships (Knox and Blair, JJ), deciding against the appellant, met this argument thus *inter alia*

“ It would seem, therefore, to be a well established principle in England that the personal incapacity of an individual to contract depends on the law of the place where the contracting party is domiciled. If by the law of this place, he is incapable of entering into a contract, any so-called contract entered into by him is invalid, even outside the limits within which the law of his domicile extends. If this be the case where there is conflict of laws between two countries, how much stronger is the present case where no such conflict exists, where the law as it runs in the North-Western Provinces is practically word for word the same running in the province of Oudh. In the particular case before us, Ch *F.B.S.* was undoubtedly by the law prevailing in Oudh incapable of entering into any contract with reference to the property under the superintendence of the Court of Wards, and upon the principle above set out, that incapacity would extend to contracts or so-called contracts entered into by him, though they relate to property situate outside the local limits of the province of Oudh.”⁴¹

With regard to Indian States in particular, it may at once be stated on good authority that they have always been treated as separate and distinct entities by the British Indian courts as also its Legislatures. The more interesting point that remains for investigation is how far have

the Indian States been recognized as competent units for the purposes of inter-communion with British India in relation to conflict of laws, or in other words, how far has British India, basing its idea of discrimination upon the aforesaid classification of Phillimore or Dicey of some States being uncivilized or upon the deficiency of their judicial organisations, refused to grant them the status as it has allowed, among other countries, to foreign possessions in India, *e g* , Pondicherry. A review of the case-law on the point exhibits a decreasing reluctance on the part of British India to accede to the Indian States the position of a full or fit grown country for reposing that amount of confidence which is necessary for admitting any other and different country in inter-communion with itself in questions of conflict of laws. This leads Dicey to remark that "Some of the latter (meaning Indian States) are as yet insufficiently modern in judicial organisation as to be treated in matters of jurisdiction precisely on the same footing as are the provinces, either in India itself or in other countries"⁴² The qualification of the position by 'in matters of jurisdiction' appears quite significant.

The position of Indian States in general in relation to questions of conflict of laws in British India may be considered under three heads

(1) The State as an organisation (a) Its laws in other words, recognition of rights acquired under the laws of those States, (b) Its judgments,

(2) Its ruler,

(3) Its subjects

1 (a) With regard to the laws of Indian States, it may be definitely stated that they have ever received due recognition and the rights accruing under them have been invariably recognized and protected. The

⁴² *Ib* 37, at pp 53-54.

courts in British India do not seem to have hesitated to have recourse to the laws of Indian States, where the circumstances of the case necessitated it or the conflict of laws rules demanded it

The following case may be cited to illustrate and support the contention

*Sirdar Sujan Singh v Ganga Ram and Another*¹³ This appeal arose out of a suit to recover money which the plaintiff as surety for the defendant had been compelled to pay upon the defendants' breach of contract with the independent State of Bhawalpur. The defendants denied that they had authorized the plaintiff to be their surety and that they had committed any breach of contract which justified the State in rescinding the contract. It appeared that the whole arrangement had been made within the State of Bhawalpur, the authorities of which had put an end to the contract and enforced payment by the plaintiff. According to the law of British India there was not a valid contract of guarantee, as there was no privity of contract between the principal debtor, the creditor and the surety. The question was whether the law as obtained in British India or that of Bhawalpur should govern the case. *Held*—that the parties must be considered to have contracted according to the liabilities that would be incurred at Bhawalpur, being the *lex loci contractus*, and not with a view to the law of British India, and that the plaintiff was entitled to recover.

As regards the second contention of the defendants, Lindsay, J. of the Chief Court, thought he was precluded from enquiring into this question as a matter of fact, being of opinion that the act of the State of Bhawalpur in rescinding the contract was one which the civil court was bound in law to accept without further question, Bhawalpur being an independent State.

¹³ [1881] *L. R.*, 9 I. A. 58, at pp. 62-63. See also (1933) 37 *C. W. N.* 825.

Sir Richard Couch, in delivering the judgment of the Privy Council, observed, " The contract under which the plaintiff became surety, and which is the contract that must really be considered in this case, was made in Bhawalpur, and the parties must be considered to have made it according to the liabilities incurred there Their Lordships do not concur in the view that when the surety comes to enforce his rights against the principal, the law of British India is to be looked at They must see what was in the contemplation of the parties when they entered into the contract at Bhawalpur It (the contract) was put an end to by a power which neither the defendants nor the plaintiff the surety, could dispute Moreover, if their Lordships had thought it necessary to go into the question whether Colonel Michin (political agent) was justified in what he did there was evidence "⁴³

(b) The greatest distrust shown in the Indian States has been in reference to their judgments The practice had of long been established in British India to permit suits on foreign judgments,⁴⁴ but an exception was taken in case of foreign judgments of Indian States, and suits on such judgments were accordingly refused Melvill, J, in *Bhavani Shankar Shevakram v Pursadra Kalidas*,⁴⁵ where the foreign judgment of Baroda State was in question, recorded the following reasons for his discrimination between the judgments of Indian States and other foreign judgments:

"It (the Court) can feel no confidence that it is doing justice between the parties, except in so far, as such confidence is based upon its general belief that the tribunals of the foreign State ordinarily conduct judicial enquiries

⁴⁴ Even prior to the *Civil Procedure Code* of 1859, see Macpherson's *Civil Procedure Code*, 2nd ed., p 299, see also *S D A* III Sel Rep 111 and (1865) 4 C W R 108

⁴⁵ (1882) 1 L R 6 Bom, 292, at p 296

⁴⁶ (1883) 1 L R 7 Mad, 164, at p 165.

with intelligence and integrity Are we justified in reposing such confidence in the tribunals of Native States? Some courts in Native States may be sufficiently well constituted, and their proceedings sufficiently well conducted, to entitle their judgments to respect, but this is notoriously not so in regard to other States, and indeed, must be regarded as the exception rather than the rule Our courts are not in a position to draw distinctions, which would necessarily be invidious and not necessarily correct, between the courts of different Native States''⁴⁵

The Madras High Court took exception to the relevancy of such a distinction in *Sama Rayar v Annamalai Chetti*,⁴⁶ and Kindersley, J, remarked, "The learned judges in the Bombay case draw a distinction between a judgment of a French Court and that of a Native State, but we are not aware of any principle of law upon which such a distinction could be maintained According to the Code of Civil Procedure, S 2 . . . , and no distinction is made in any part of the Code between the judgment of a French Court and that of a court of a Native State. . . .''⁴⁸

An outlet for sinking these two conflicting rulings was found by the Legislature by amending the existing law⁴⁷ in the year 1888⁴⁸ by which it was declared that when a suit is instituted in a British Indian Court on the basis of a foreign judgment that court is not precluded from inquiring into the merits of the case if the judgment is that of certain Asiatic and African courts, and the question was set at rest by the decision of the Privy Council in the Faridkot Case⁴⁹ in which their Lordships held that there was no ground for supposing that no suit will lie upon the judgment of a recognized foreign Indian State

⁴⁷ S 14, Act XIV of 1882

⁴⁸ S 5, Act VII of 1888

⁴⁹ *Sardar Gurdial Singh v Rajah of Faridkot* [1894] A. C. 670.

The distinction, however, between the foreign judgments of Europe or America or those attached to European settlements in India and the foreign courts in Indian States continued to exist in view of the amendment,⁴⁸ and while no inquiry into the merits could be or were held in the case of the former, the judgments of Indian States were frequently entered into upon merits,⁵⁰ to test whether the judgment was correct and sound over and above the general and uniform tests of its being valid

The provisions of this section⁴⁸ could not be invoked by the defendant as of right, but it was discretionary with the Court to see whether or not, having regard to the constitution of that foreign court, any further inquiry was needed than what could be made upon the material afforded by the judgment of that Court.⁵¹

The amendment of 1888⁴⁸ was repealed by the Civil Procedure Code of 1908, and all foreign judgments now stand on equal footing

The distinction between the judgments of Indian States and any other foreign judgments could not be justified especially for the following reasons

- (1) When British India and Indian States possessed identical legal and moral notions and also a similar stage and nature of civilization, the discrimination could only be arbitrary
- (ii) Indian States, as previously observed, had been admitted into the inter-communion of British India with other States for a long time. If their laws could be recognized, and the rights accruing through those laws could be protected, there must be little justification for refusing to accord the same to their judgments unless, of course, vitiated by a

⁵⁰ (1898) *I L R* 21, All, 17

⁵¹ (1891) *I L R*, 15, Mad., 82.

general and well recognized flaw Such qualified recognition of States with reference to conflict of laws could not be justified on any sound principle of law

- (iii) Recognition of foreign judgments by permitting a suit upon them is based upon the theory of obligation, which does not warrant any enquiry into the merits of a foreign judgment The practice of making an exception in case of judgments of Indian States appears all the more surprising when one looks to the Civil Procedure Code of 1908⁵² as also of 1882,⁵³ dealing with arbitration without the intervention of the Court, which is based upon the highest application of the theory of obligation and estoppel It might be stated that a party interested in the award may, at his option, avail himself of the summary remedy provided by those provisions to enforce the award, or he may bring a regular suit⁵⁴ to enforce the award All the defences available to the defendant are covered by "fraud" and "against natural justice" The defendant is not competent to raise a third, because it is well established that the arbitrator is the sole and final judge of all questions, not only of fact but of law The Court would, in all these cases, say to the party seeking to resist the award "You have constituted your own tribunal, you are bound by its decision"⁵⁵

⁵² Paras 20-21, Sch II

⁵³ Ss 525-526

⁵⁴ (1906) *I L R* 33, Cal 881

⁵⁵ *Per* Williams, J in *Hodghinson v Fume* (1857) 3 C B N S, 189, at p 202

Another relevant section with regard to foreign judgments of Indian States is S 44,⁵⁶ which empowers the Governor-General-in-Council to declare by notification in the *Gazette of India* such of the Indian States whose judgments may be enforced directly by execution, without undergoing the process of bringing a suit on that judgment. The controversies raging round this section are now settled. All the defences that are available under S 13⁵⁷ are available in this case as well.⁵⁷ This is a privilege to Indian States only.

2 "Foreign States, and those persons in them who are called sovereigns, whether his title be emperor, king, grand duke, or any other, and whether their power in their States be absolute, or limited, cannot be sued in England on their obligations, whether *ex contractu*, *quasi ex contractu* or *ex delicto*."⁵⁸

This immunity from the process of the court is based upon "considerations of comity and of the highest expediency (which) require that conduct of States, whether in transactions with other States, or with individuals, whether their own citizens, or foreign citizens, should not be called in question by the tribunals of other jurisdiction."⁵⁹

The immunity from jurisdiction also applies to ambassadors or other diplomatic agents representing a foreign sovereign and accredited to the crown, and extends to the suite of such ambassador or diplomatic agent, the only exception being in case of a person belonging to the suite of any diplomatic agent, when he engages in trade and in that case he is amenable to the jurisdiction.

There are certain well recognized exceptions to this immunity of sovereigns and their diplomatic agents

⁵⁶ *Civil Procedure Code* (Act V) of 1908

⁵⁷ (1925) 3 C. W. N., 785

⁵⁸ Westlake, *Private International Law*, 1912 ed., at p. 271

⁵⁹ Pitt Cobbet, *Cases on International Law*. 1931 ed., at p. 49

“The first of these exceptions occurs where the foreign State itself institutes proceedings or otherwise voluntarily accepts the jurisdiction. The second exception is more limited in its character and occurs where a fund or other property in which a foreign State, or sovereign is interested, but in respect of which some equitable claim attaches, is found in the hands of some person over whom the court of Chancery has undoubted jurisdiction (Further) where he is at the same time a subject of the Crown, and where he has acquired immovable property within the territories so far as relates to actions connected with such property”⁶⁰

It may, however, be noted that where jurisdiction is exercised under the first exception, it does not confer on the court the power to enforce any decree by execution in any form⁶¹

In India before 1877,⁶² the privilege of independent sovereign princes stood on exactly the same footing as in England,⁶³ and the embodiment of the law on the point in the Code of Civil Procedure, it appears, was not with the object of bringing about any significant modification in the law but only to reduce it to a definite meaning

The purpose of the article would have been served by stating that in India the rulers of the Indian States have ever enjoyed the same immunity or privileges as any other foreign sovereign or his diplomatic agent, and that no distinction has been made in this sphere. This aspect of the law should now be abundantly clear from the amendment made in the relevant sections of the Code by the Government of India (Adaptation of Indian Laws) Order

⁶⁰ *Ib* 59, at pp 86-87

⁶¹ Dicey, *Conflict of Laws*, 1932 ed., at p 199

⁶² Code of 1877, S 433 corresponding to S 86 of Act V of 1908

⁶³ *Jwala Pershad v The Rana of Dholpur* (1863) S D A, N W P., Pt. 1, at p 579

1937 The reference to the law of England on the point has been deemed essential in view of the following observation of Strachey, J, in *Chandulal Khushalji v. A wad Bin Umar Sultan Naval Jung Bahadur*⁶⁴ "What S 433 does is to create a personal privilege for sovereign princes and ruling chiefs and their ambassadors and envoys It is a modified form of absolute privilege enjoyed by independent sovereigns and their ambassadors in the courts of England, in accordance with the principles of international law The difference is that while in England the privilege is unconditional, dependent only on the will of the sovereign or his representative, in India it is dependent upon the consent of the Governor-General-in-Council, which can be given only under specified conditions This modified or conditional privilege is, however, based upon essentially the same principle as absolute privilege,"⁶⁴ and other similar observations based upon or independent of it in other cases, which might be taken to suggest that the privilege accorded in India is materially less than or different from those in England or any other State of the world This, in fact, does not appear to be the case

There are, however, only two very minor differences

The first of these, embodied in Sub-Section 2 (b),⁶⁵ allowing consent in case he by himself or another trades within the jurisdiction, is peculiar to the geographical position of India and the contiguity of Indian States, so that what may be very rare in England or other countries is here in India more frequent. The exception in itself is general Its enactment might have been necessitated by, but is not confined to Indian States The difficulty has, however, been conceived of in England and a way out of the anomaly has been, to some extent, foreseen. Thus

⁶⁴ (1896) *I L R* 21, Bom, 351, at pp 371-372, see also (1934) *I L R* 56, All, 828

⁶⁵ Of S 86 *Civil Procedure Code* (Act V) of 1908

Dicey, commenting upon *Taylor v Best*,⁶⁶ "which ruled that an ambassador does not lose his privilege by trading within the jurisdiction remarks, "The exception is rather dubious from the point of view of international law, but it binds the English Courts and in itself is reasonable. Moreover, diplomats who trade might legitimately be the subject of requests for their recall by the British Government. The position, of course, is extremely anomalous when a Government is the sole channel of foreign trade and a representative in England (as in the case of the Russian Soviet Republic) is accorded diplomatic immunity."⁶⁷

The second of these is that while the enquiry, whether or not an exception to the rule of immunity has occurred in a particular case, is in England purely a matter of consideration for the court, it is here in India vested in the executive head. [The distinction created in this respect between an Indian State and any other State by providing for consent of the Crown Representative in the former and the Governor-General-in-Council in the latter is distinctly wrong in principle.⁶⁸ When put plainly, it comes to this that courts in British India have to look forward to the consent of the paramount authority of the foreign State itself when it is a case of an Indian State, while in case of other States to the consent of its own executive head. It might be supposed that this aspect of the change was not seriously considered.] It must be noted that even in England, a certificate, if it is required by the Court, as to the recognition of the State or as to its status, is to be had from the Secretary

⁶⁶ (1854), 23 *L J*, C P, 89

⁶⁷ *Ib* 61, at p 203

⁶⁸ The expediency of the distinction between the Crown Representative and the Governor-General-in-Council for the purpose of constitutional law is, however, not ignored. Its introduction here, it appears, was neither necessary nor justifiable

of State for 'Foreign Affairs' and it is final and conclusive⁶⁹

There is one aspect of the case which puts rulers of Indian States in a rather inconvenient position. The possession of property by one State within the territories of another State may be an exception in other places, whereas in case of rulers of Indian States in relation to British India, it is rather a rule. This with some other circumstances has generally necessitated the Indian princes to appear before the courts in British India, and begin by protest and then, if necessary, contest it on merits, even though the cause of action in the suit has nothing to do with the property that might involve risk.

If the English rule of voluntary submission to jurisdiction, which establishes⁷⁰ that an appearance limited to protesting against the jurisdiction satisfies the principle of submission, were to be adopted in India, the position of Indian princes would, indeed, be hard. There is, however, no unanimity between the various High Courts in India as to what constitutes voluntary submission. Without entering into a discussion of these cases, it might upon the strength of *The Gaekwar of Baroda State Railway v Hafiz Habibul Haq and others*⁷¹ be contended that the question of voluntary submission, in so far as it concerns persons enjoying immunity under the Code of Civil Procedure, does not arise in India, because in the absence of the requisite consent, submission under that section must be 'free, express and willing' to distinguish it from 'voluntary' as it is ordinarily understood. Sir Lancelot Sanderson, delivering the judgment of the Privy Council in this case, observed, "The sections (86 and 87) relate to an important matter of public policy in

⁶⁹ [1937], 3 All E R 8

⁷⁰ *Harris v Taylor* [1915] 2 K B 580

⁷¹ [1938] L. R., 65, I, A, 182, at pp 192-193.

India, and the express provisions contained therein are imperative and must be observed . . . , and having regard to the public purposes which they serve, they cannot, in their Lordships' opinion, be waived in the manner suggested by the High Court "

It might, therefore, be safely concluded that the Indian rule of private international law as codified under SS 86 and 87 of the Civil Procedure Code (Act V) of 1908 with regard to jurisdiction over sovereigns and their representatives is not appreciably different from that in England or any other State, and that whatever it is, it is all alike be it a case of an Indian State or any other State of the world

3 By a man's nationality is meant that political relationship which exists between him and the State to which he owes allegiance, and this relationship is fixed, in different countries by varying laws and principles with the result that more than one State may claim allegiance of the same individual Thus a man whom English courts treat as a British subject may by French Courts be treated as a French citizen

Although political nationality is of little importance to private international law as professed and applied in England, or the countries which have got or adopted similar conflict of laws rules, the rules on which it depends are of interest in connection with this subject, in view of the continental system, where it stands instead of domicile, as the criterion of the personal status and jurisdiction

Subjects or citizens of Indian States are not British subjects They owe allegiance only to their own sovereigns ⁷² 'The India Office certificate' submitted by British Government, with regard to the status of His Highness the Gaekwar of Baroda in the case of *Statham v. Statham*⁷³

⁷² See note 35 *supra*

⁷³ [1912] P 92, at p 95

recited, " He [H H of Baroda] is treated as falling within the clause referred to in the Interpretation Act 1889, as that of native princes or chiefs under the suzerainty of His Majesty exercised through the Governor-General of India. The British Government does not regard or treat His Highness' territory as being part of British India or His Majesty's dominions, and it does not regard or treat him or his subjects as subjects of His Majesty."⁷³

The question of the status of the subjects of Western India States Agency was raised in the House of Commons through a question on the 19th of November, 1928, when the Under-Secretary of State for India answered that the people of the territories included in the Western India States Agency "are not considered British subjects but owe allegiance to the rulers of the various States and no question arises, therefore, of their having rights of representation as British subjects."⁷⁴

Persons residing or domiciled in any of the Indian States are of, and have been treated as possessing, foreign residence or domicile. In an early Privy Council case of Her Highness *Ruckmaboye v Lallobhoy Motichand*,⁷⁵ the question arose whether 'Malwa' came within the exception engrafted by the words 'beyond the seas' and as such whether residents of that territory are to be treated as of foreign residence, the Privy Council, reversing the judgment of the Supreme Court held that the words 'beyond the seas' were not to be considered literally, those words being in legal import and effect synonymous with 'without the territories', and hence 'Malwa' came within the exception. The judges of the Supreme Courts in transmitting the case to the Privy Council stated, " . . . Rutlam is one of the petty Rajput rajships of Malwa,

⁷⁴ *J. P. C. Rep.*, Vol. I, Pt. 1, p. 2.

⁷⁵ [1853] 5 *M. I. A.*, 234.

adjoining the Bombay Presidency, and tributary to Scindia, under the guarantee of British Government . . . We thought that the expression 'beyond the seas' which can only be applied *cypres* in India, did not include a place situated like Rutlam . . ."

Section 20⁷⁶ of the Civil Procedure Code 1908 and the rulings thereon virtually seem to suggest that an exception has been conceived of and made with respect to the subjects of Indian States in the general import of the word foreigner in reference to sub-section (c) of that section, where jurisdiction is based on the accrual of the cause of action within the jurisdiction of the Court

Mulla, commenting upon this section with reference to 'suit against non-resident foreigners' writes

"But what if a foreigner does not reside, or does not himself carry on business or personally work for gain, in British India, and (i) the cause of action arises within the local limits of a British Indian Court, (ii) . . . As to case (i), it is settled that a non-resident foreigner, who is a subject of protected Native State, may be sued in the Court of British India, if the cause of action arises within the jurisdiction of such Court ""

The case-law on this point, indeed, goes to establish that it is, in view of legislation to that effect, competent for Courts in India to assume jurisdiction over absent foreigners if the cause of action arises within the jurisdiction. What will be the effect of such judgment, *e g* , whether foreign courts will recognize such judgments or not, is no part of their business to consider while exercising jurisdiction, but whether it warrants any such inference or makes any such distinction between the subjects of protected Indian States and subjects of any other State, as the above quotation tends to draw, is very doubtful indeed

⁷⁶ Corresponding to S 17 of 1888.

⁷⁷ Mulla, *Civil Procedure Code*, 1934 ed , at p 93.

It may be confidently stated that such a distinction would be repugnant to the very basic principle of the conflict of laws. It would mean that there may be or ought to be one set of rules for such States in reference to which the cases are more frequent and another set of rules for those States in reference to which the question is of rarer occurrence.

The learned author substantiates his conclusion by citing as many as seven cases. Before discussing the cases as precisely as practicable, it may be submitted that the mere fact that the foreigner in question was a subject of an Indian State will not justify any conclusion of this nature, unless the judgment proceeds to carve a distinction between the subjects of Indian States and other foreigners, choosing expressly to include the former and exclude the latter.

(A) *Ram Ravji v Prahladdas*⁷⁸

It lays down the rule in general terms. There is nothing in the judgment, which tends to, or which may be construed to lay down the rule with regard to the subjects of Indian States only. The judgment is based upon *Gurdyal Singh v Raja of Faredkot*⁷⁹ and *Girdhar v Kassigar*.⁸⁰ In relying upon the latter case, Farran, C J, observes " . . . (It) decides that the case of foreigners resident out of jurisdiction but carrying on business within it, is not to be impliedly excluded from the purview of clause 12 of the Letter Patent. The reasoning upon which the decision is founded, is directly applicable to the case before us."⁷⁸ The case relied upon is discussed below but it may be pointed out that, although in that case the proposition is at first hand discussed in general terms, the assumption of jurisdiction based upon the cause of action

⁷⁸ (1896) *I. L. R.* 20, Bom., 133, at pp. 143 and 140.

⁷⁹ [1894] *A. C.* 670.

⁸⁰ (1893) *I. L. R.* 17, Bom., 662; at pp. 668 and 667.

was out of question and the jurisdiction was exercised upon the fact of the defendant carrying on business within the jurisdiction, whereas in this case it was exactly the reverse as may be seen from the following extract "It has been found out by the Division Court that the defendant ceased to carry on business in Bombay and closed his firm here shortly before suit filed There is no cross-appeal against that finding, so it must be taken as a fact in the case "78

(B) *Girdhar v Kassigar*⁸⁰ —

This is the most important case and has been relied upon in many of the decisions, but it does not directly adjudicate upon the point, as may be gathered from the observation of Starling, J P, in this case "The fact that the cause of action arose within the jurisdiction will not in this case justify the filing the suit, because the leave of the Court was not obtained Consequently the only point which the Court has to consider is whether a non-resident foreigner carrying on business within the city of Bombay can be sued in the Small Cause Court "80 The relevant passage in the entire judgment for the proposition under criticism is in the judgment of Sargent, C J "Moreover, in considering what was the intention of the Legislature, it is right to bear in mind the special circumstances of the presidency towns in this country as regards the great number of non-British subjects who carried on trade with them, either personally or by their munims or other agents, and are constantly having transactions with British subjects, giving rise to cause of action both within and without the presidency towns "80 This relates to foreigners all alike and does not make any distinction.

(C) *Annamalai v Murugasa*⁸¹

The facts in the case were entirely different from the one under investigation, as may be seen from the following passage in the judgment of their Lordships of the Privy Council, delivered by Lord Lindley. "In both Courts in India it was apparently assumed that the question of jurisdiction turned on S 17 of the Code of Civil Procedure,⁸² and that although the defendant was a foreigner, and although the cause of action arose in a foreign country, and although the defendant did not personally reside within the local limits of the jurisdiction of any court in British India, and was not even temporarily in Arcot when sued there, yet he could be sued in the Arcot Court if he carried on business in the local limits of that court's jurisdiction

" Their Lordships found that the fact of the plaintiff having failed to prove business by the defendant through an agent within the jurisdiction was sufficient to dispose of the case. This case is, however, relied for the observation of their Lordship that "Their Lordships see no reason for doubting the correctness of the decision of the case of *Girdhar Damodar v. Kassigar Hiragar*,⁸³ where the defendant was a native of Cutch and the cause of action arose within the local limits of the jurisdiction of the British Indian Court, in which the action was brought. But, that case does not cover the present one."⁸¹ It is obvious, therefore, that conceding to this the highest force for the proposition, it does not go any further than the approved case itself, already discussed. It is very significant to note that this was a case of French subjects living in Pondicherry, and the approval of the said case here refutes instead of supporting the proposition.

⁸¹ *L. R.*, 30, I. A., 220, at pp. 227 and 228.

⁸² Now S. 20 of Act V of 1908.

⁸³ *Ib* 80.

(D) *Srinivasa Moorthy v Venkata Varda Ayyangar*⁸⁴

The force of this decision may be noted from the following extract from the judgment of Sir Arnold White, C.J — "I have so far dealt with the wider question which was argued in this case . . . The facts of the present case, however, differ very materially from the facts in the earlier appeal. In the present case the defendant was within the limits of the jurisdiction on the day the suit was instituted. I am of opinion that even if the court would not otherwise have had jurisdiction, this fact gives jurisdiction" ⁸⁴ Even in so far as the judgment relates to the wider issue, the observations are general and there is nothing in the judgment either of the C.J. or of Subrahmanya, J, which might justify the distinction

(E) *Srinivasa v Venkata*⁸⁵

This was an unsuccessful appeal from the judgment discussed under (D). The judgment of their Lordships simply affirms the view of the High Court about jurisdiction.

The cases that seem to create some difficulty and conceive of a distinction between subjects of Indian States and those of any other are —

(F) *Rambhat v Shankar*⁸⁶

After discussing the case law in reference to the above cases, Candy, J, proceeds, " Having regard to the nature of the numerous suits . . . it is no exaggerated language to say that if the proposition now put forward on behalf of the defendants in the present case is correct, a large portion of the business of those courts will be taken away. Everyone conversant with the litigation in the

⁸⁴ (1906) *I L R* 29, Mad, 239, at p 253

⁸⁵ [1911] 38 *I A*, 129

⁸⁶ (1901) *I L R* 25, Bom, 528, at pp 533-534, 534-535; and 536-537

city and island of Bombay knows how numerous are the suits in which the defendants are the residents of Cutch or Kathiawar, and jurisdiction is assumed over them simply on the ground that the suits in which they are defendants, the cause of action has arisen in Bombay

It may well be doubted whether it would be correct in such a case as this to say that the assertion of jurisdiction by the British Legislature is inconsistent with the comity of nations, or with the established rules of private international law?

Is Sangli State a nation within the meaning of those rules? Is it reasonable to apply to the territories of such a dependent chief the comity of nations or the rules of private international law such as would be applicable between England and, say, France or Germany? If the Civil Procedure Code be taken as not empowering our courts to pronounce judgment in cases where the cause of action arose within the limits of the jurisdiction of the Court pronouncing judgment, but the defendant is a subject of and resides in one of the numerous Native States, which are throughout the length and breadth of this great continent to be found in more or less dependence on the British Government, then it is not in one or two isolated places that this view of present law will have the most important consequences

”84

Apart from the way in which the law has been interpreted and formulated, the following two submissions may be made in reference to this case —

1stly —That the judgment proceeds primarily upon the ground that Sangli State is not a nation within the rules of private international law, a view which has been fully commented upon in the earlier part of this article

2ndly —That the judgment proceeds upon and lays down the general rule with regard to absent foreigners indiscriminately, although the learned judge is influenced by a consideration of the hardships which are of more frequent occurrence with respect to Indian States, if the

general rule were not adopted. This inference is supported by the fact that his Lordship begins in general terms, *viz*, “. The question for our considerations is whether the proper inference from the Code of Civil Procedure is that our courts are empowered to pass judgment against a non-resident foreigner, provided that the cause of action has arisen within the jurisdiction of the Court pronouncing the judgment,”⁸⁷ and concludes in general terms, *viz*, “In this view we are of opinion that it would be serious thing to dissent from so strong a body of judicial authority as is shown by the current of decisions (those considered heretofore) of this Court.”⁸⁸

(G) *Tadepalli v Nawab Sayed*⁸⁷

The principal authorities relied upon in this case are *Annamalai Chetti v Murugasa Chetti*,⁸⁸ and *Girdhar Damodar v Kassigar Hiraghar*⁸⁹ which have already been discussed. Sir Subrahmania Ayyar, Offg. C.J., observed, “Whether what weighed with their Lordships in the last mentioned case⁸⁸ in upholding the decision of the Bombay court⁹⁰ was the dependent character of the foreign territory or the argument of convenience with respect to commercial relations between the residents of paramount power and the protected States . is a matter which is not for us to consider.” The judgment took a wrong view of the case of *Annamalai Chetti v. Murugasa Chetti*⁹¹ and proceeded upon the misapprehension that this case is inconsistent with the decision of the Faridkot Case⁹². This mistake was, however, expressly amended by his Lordship in the subsequent case of *Srinivasa Moorthy*

⁸⁷ (1906) *I L R* 29 Mad 69, at p 71

⁸⁸ *Ib.* 81

⁸⁹ *Ib.* 80

⁹⁰ *Ib.* 89

⁹¹ *Ib.* 81.

⁹² [1894] *A.C.*, 670.

v. *Venkata Varda Ayyangar*.⁹³ His Lordship felt hesitant whether the authorities on the point make any distinction of the nature under investigation, and himself refrained from pronouncing upon it. He remarked, "Assuming that the rule laid down in *Annamalai Chetti v. Murugasa Chetti*⁹⁴ was not intended to extend to subjects of a foreign independent State, but was confined to subjects of protected Indian territories, the present is such a case" ¹⁹²⁷

It may, therefore, be submitted that the authorities on S 20 of the Civil Procedure Code, 1908, do not warrant any distinction between the subjects of Indian States and those of any other independent country, and the aforesaid conclusion⁹⁴ of the learned author is erroneous.

Before concluding this article, it appears suitable to make a reference, in all good faith, to a decision of the Allahabad High Court in *Gaekwar Baroda State Railway v. Habibullah*,⁹⁵ which has stimulated the title for this article. This judgment has, however, been overruled in effect by the Privy Council⁹⁶ upon the ground that the suit was, in reality though not in form, against His Highness the Gaekwar of Baroda, and since the provisions of SS 86 and 87⁹⁷ had not been complied with and since there was no submission, the suit must fail. Since a number of observations of their Lordships of the Allahabad High Court are quite opposed to the conclusions which it has been the aim of this article to arrive at and since it is felt that there may be a fairly good opinion of a like nature, it would be useful to quote them for perusal and contrast.

⁹³ *Ib* 84

⁹⁴ *Ib* 77

⁹⁵ (1933) *I L.R.* 56, All, 828

⁹⁶ [1938] 65 *I A* 182

⁹⁷ *Civil Procedure Code* (Act v) of 1908.

“The real principle on which the exemption of every sovereign from the jurisdiction of every court has been deduced, is that the exercise of such jurisdiction would be incompatible with his real dignity, that is to say, with the absolute independence of every superior authority”⁹⁸ I think the very foundation for the above-mentioned principle is wanting in case of ruling Princes in India, because they are not independent rulers. The rule of international law is that an independent sovereign is absolutely privileged. But such is not the case in India. He can be sued in a British Indian Court after sanction. He can be arrested and his property can be attached, provided the sanction. The Government of India has power to hold an enquiry into his conduct. The Government has power to depose him. To me it appears that the rule of international law which is based on the principle of ‘absolute independence of the sovereign to recognize any superior authority’ cannot be applied to princes in India for the simple reason that they are subordinate to the authority of the British Crown”⁹⁹

“The British Crown is paramount authority in India. The ruling Princes owe allegiance to the British Crown as sovereign power. And it would certainly be misnomer to style Indian States as ‘nations’. They are dependent States. I do not think that the rules of private international law can be made applicable to such States. In any case, it is clear to me that the Code of Civil Procedure modifies the rule of Private International Law, so far as the Indian States in India are concerned”¹⁰⁰

“The position and constitution of Indian States are so peculiar that abstract principles of international law, when applied to concrete cases arising in British India

⁹⁸ Parlement Belge (1880) *L R* 5 P D 197

⁹⁹ *Per* Rachhpal Singh, J in 95 *supra*, at pp 855-856

¹⁰⁰ *Ib* 99, at pp 856-857

will lead to anomalous results. The relations between any two States situate in India are not the same as those arising between British India and the States. The States of Faridkot and Jhind may be absolutely independent of each other, but the same, however, cannot be said in respect of an Indian State *vis-à-vis* British India.”¹⁰¹

“It cannot be said that a resident of an Indian State owes no allegiance or obedience to the power which so legislates.”¹⁰² As I shall presently show, the power to legislate, possessed by the Indian Legislature, is derived from Act of Parliament, to which undoubtedly every Indian State and its subjects owe allegiance and obedience.”¹⁰³

“The extent to which Indian States and its people are amenable to the authority of the Indian Legislature conferred by the sovereign power to which both British India and Indian States owe allegiance is to be found in Acts of Parliament under which the Legislative Council of British India was constituted. The earliest . . . The Indian Councils Act of 1861.”¹⁰⁴

“It is not necessary to consider the question whether a person residing in an Indian State should be considered a foreigner or British subject as in either case the Indian Councils Act . . .”¹⁰⁵

The conclusions attempted through this article may be supplemented with the following:

“The laws of England do not apply to the inhabitants of (Indian) States. The King in Parliament is precluded from legislating¹⁰⁶ for the Indian States. The Secretary,

¹⁰¹ *Per* Niamat-ullah, J in 95 *supra*, at p 875

¹⁰² Indian Legislature, in ref to *Civil Procedure Code*.

¹⁰³ *Ib* 101, at p 876

¹⁰⁴ *Ib* 101, at pp 876-877

¹⁰⁵ *Ib* 101, at p 878

¹⁰⁶ Legislation here refers only to internal legislation. See 39 and 40 Vict, C 46, 11th August 1876

of State of India's letter dated 28th Sept., 1927, to the Secretary General of the League of Nations relating to the ratification of Conventions of the International Labour Organization by Indian States, makes this abundantly clear — 'The exact relations between the various States and the Paramount Power are determined by a series of engagements and by long established political practice. These relations are by no means identical, but broadly speaking, they have this in common that those branches of internal administration which might be affected by decisions reached at International Labour Conferences are the concern of the rulers of the States and are not controlled by Paramount Power. The legislature of British India, moreover, cannot legislate for States, nor can any matter relating to the affairs of a State form the subject of a question or motion in the Indian Legislature.'¹⁰⁷

That part of the Government of India comprising of so much of the Governor-General or Viceroy as is necessary for the exercise of power by the British Crown with respect to India has been composed of two distinct elements or two distinct spheres, one of which relates to British India and the other to Indian India or Indian States. This is clearly exhibited by the Government of India Act, 1935, but even before that right from the earliest days of British rule in India, the presence of these two distinct parts in a composite whole is discernible in all the Acts and Statutes. This part of the Government of India is as much distinct from or exclusive of British India as Indian States.¹⁰⁸ It would be vain for British India to suppose that the Paramountcy of the Crown—be it either

¹⁰⁷ Sastry (K R R) in his book *Treaties, Engagements and Sanads of Indian States*, at p. 225

¹⁰⁸ See also Julian Palmer, *Sovereignty and Paramountcy in India*, who, it is said, for the first time stressed the point that the Government of British India and the Paramount Power were different constitutional entities. 47 L Q R I.

a claim of extritoriality, or deposition of any ruling chief, or any other enquiry into the affairs of an Indian State^{108a}—as exercised through the Government of India, restricted, of course, to the above sense, means any exercise of power over them by the Government of British India

“ [Indian States] are not subject to Legislation by the Indian Legislature, or by the Legislative Councils of the Presidency in which they are situated, nor is the law of British India administered within their borders, save in so far as jurisdiction on European and American residents are concerned ”¹⁰⁹

In conclusion, it might be stated that Indian States, for the purposes of ‘Conflict of Laws’ or ‘Private International Law,’ are as distinct and competent states as France, Germany or United States of America, and their position as such, it is suggested, has now been fully recognized by British India without any reservation or distinction. Indeed, for the purposes of conflict of laws any Indian State is quite competent to refuse or choose with such reservations as it may please, to recognize any other State, its laws or its judgments. The position of British India in matters of conflict of laws within the Indian States would be full of interest

^{108a} The exercise of these powers by the British Government, it may be noted, is political and not judicial. *Devchand v Chhotam Lal* (1905) I. L. R. 33 Cal. 219 (P.C.), and as to political, it is generally a necessary consequence of the suzerainty vested in the paramount power.

¹⁰⁹ Wheaton's *Elements of International Law*, Vol. I, 6th ed. by Keith, at p. 105.

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EDUCATION SECTION

TESTS OF EDUCABILITY

BY

DR BANSI DHAR

I

A HISTORICAL RETROSPECT

One of the most disputed subject in education has been the isolation of General Intelligence or Educability Individual differences were recognized in the West, as early as the days of Plato His system of education as propounded in The Republic rests on this, his advocacy of a hereditarian caste system of education has substance in it Aristotle also recognized that Nature gives the endowment Formation of habit serves to control the line of growth and reason adopts the law when it is comprehended Isocrates, the great Athenian orator, emphasised talent, and training was intended to bring it into full operation Quintilian, though an environmentalist, recognised individual variations in ability To Vittorinotre goes the credit for studying with great care and understanding the capacity, the taste and future career of his students This was in the early fifteenth century, but it was given to Rousseau to write a treatise, *Emile*, and to advocate that each child has its own bent of mind When the storm and stress of the Napoleonic wars had subsided, and England had launched itself on democratised politics, necessitating a democratic system of education, scientists, like Galton, undertook a systematic and statistical study of individual differences. For the purposes of educational

measurement we have to reckon the influence of two countries, the U S A and France during this period—namely, the later nineteenth century. Contemporaneous but much younger than Galton was the American Cattell. Mental tests were first employed by him in a publication in 1890. He mentions tests on memory, imagery, keenness of sight and hearing, after-images, colour vision and colour preference, perception of pitch and weight, perception of time, sensitiveness to pain, rate of perception and of movement, accuracy of movement and reaction time. The work in the U S. A. was continued by G. Stanley Hall in his genetic studies of the child and adolescence, and he influenced Baldwin, Kuhlmann, Goddard and Terman. In France Binet and Henri studied the following ten functions—memory, the nature of mental images, imagination, attention, the faculty of comprehension, suggestibility, æsthetic feeling or apperception, moral sentiment, muscular strength and the strength of will, motor skill and visual judgment. But more important than this was the work of Binet and Simon on the integrated mentality of the individual. Working on the feeble-minded children, Binet-Simon published their scale in 1905. With the 1908 revision Binet introduced the concept of mental age. This was a signal for a widespread use of mental testing. The 1908 revision was used in Belgium by Decroly and Degand, by Bobertag in Germany and by Ferrari in Italy. Another revised scale was issued in 1911. The ground had been prepared in Germany by Wundt (1832—1920), a student of Helmholtz, who had established experimental psychology as an independent subject in 1875. What Wundt did for Germany, Taine and Charcot did for France. Mention must be made of *L' Intelligence* by Taine which was published in 1870. To him goes the credit of monumental works, in the analytic study of literary and social influences, as the *History of English Literature* (1856—69).

The starting point in the study of nature or common mental factor or intelligence is the publication of Binet scale, and all its development relates to the twentieth century. Binet's chief contribution to the subject was his concept of intelligence as the ability to reason, to adapt one's behaviour and to be auto-critical. He stressed the study of individuals through the higher and more complex functions rather than through the simple sensory-motor processes which had been employed by Galton and were made so much of by the German psychologists. He also initiated the preparation of a scale of test items to be arranged and graded according to chronological age levels, and advocated their variation so as to include the greatest number of functions. He gave currency to the concept of mental age.

Goddard of the U. S. A. revised the Binet scale in 1911. L. M. Terman brought out a tentative revision of Binet in 1912, and a final revision in 1916. Terman's revision, known as the Stanford revision of the Binet-Simon test, is widely in operation in both clinical and educational work. Terman introduced the use of I. Q., the original proposal came from a German psychologist, William Stern. The outbreak of the Great War of 1914—1918 gave a fillip to mental testing and led to the institution of the Alpha and Beta tests in 1917. The former was verbal in nature and the latter non-verbal and the harbinger of group tests. A further development was the attempt of Kohs to overcome the weakness of the Binet tests, which consisted in their being too linguistic, by the construction of exclusively performance tests. C. L. Hull constructed aptitude tests in 1928.

The English are a conservative race and their practice always lags behind their theory. In mental testing as well they have been slow to take initiative, but their post-War performance is worthy of credit. Galton's work, with the influences from the Continent and particularly from the

U S A , was continued by Pearson and Spearman * Next to them we must mention Cyril Burt † Spearman's earliest work appeared in 1904 According to him in all abilities two factors are involved—general factor, 'g'; and one or more specific factors 's' 'g' mental energy is constant within the individual, whereas the calibre of the specific factors may vary among themselves within the individual This is known as the bi-factor theory. One of the most enlightening book of Cyril Burt is *The Factors of the Mind* It is a source of encouragement and comfort to those who, because of their limited ability in Mathematics, are frightened by the long array of numbers, calculations and formulæ He reveals to us that the mathematician has no technique up the sleeve by means of which he can make discoveries which cannot be made by any other means In point of fact the mathematician can make more precise what we know, or suspect, by observation with the help of vectors, summation, rotation of axes Thomson's *Factorial Analysis of Human Ability* is an indispensable preliminary to it Besides these, the following names deserve mention—Drever, Ballard and Hamley Thurston's name deserves special mention in relation to statistics The literature on the different aspects of mental testing is growing and so also the number of writers

Sir John Adams in his book *Modern Development in Educational Practice* remarks that it would be very convenient if the term *test* could be definitely limited to the gradually expanding series of problems and exercises that have for their aim the measurement of intelligence, while scale is reserved for any material invented for estimating the acquisition of knowledge or skill We shall consequently adopt this terminology for the aforesaid distinction as it

* *Abilities of Man, Nature of Intelligence*

† *The Factors of the Mind*

makes for clarity of thought. Rev George Fisher was the first to publish a "scale book" in 1864 Dr J M Rice was the American founder of scales Prof Thorndike issued his scale in 1910. Since then there have been scale books in different subjects—arithmetic, spelling and other subjects Hamley's work deserves commendation and attention in this line

In conclusion, we may say that there is something in human mind, about which there is no definite understanding among the psychologists but the existence and the potentiality of which is not denied, which is innate, and is responsible for individual differences and it is hoped that its measurement can be standardised for different age groups from about two years of age to fifteen years or thereabout The devices employed for measuring it are known as tests These are either individual tests or group tests When an attempt is made to measure abilities in a given subject for a certain age limit we call the device *scale* These devices or scales largely measure what Spearman calls 's'

II

INTELLIGENCE—ITS SCOPE AND SIGNIFICANCE

Intelligence is a quality very difficult to define, but very easy to recognize ¹ It is the power to deal with situations as they arise, to learn and to think, say Stuart and Oakden But human mind is too ingenious to admit defeat, and there have been attempts more or less successful to state what it is The vaguest begins with the statement that it is general mental energy, and those which come after are more explicit Intelligence is power to grasp a situation, it is the power of verbal memory and

¹ "While the teacher tried to cultivate intelligence, and the psychologist tried to measure intelligence, nobody seemed to know precisely what intelligence was"—*Mental Tests* by P. B. Ballard, II, 1920, p. 23

the power of organization and understanding² W.P. Alexander sums up the latest position, in his monograph—*Intelligence, Concrete and Abstract*, thus an examination of existing theories reveals at least three distinct positions. Very briefly these are. (1) the theory that intelligence is a single factor of a unitary nature always acting in combination with one or more specific factors, all of these being independent, (2) the theory that intelligence is not really of one kind but probably of three kinds, *viz.*, verbal or abstract intelligence, concrete or practical intelligence, and social intelligence, each of these being a more or less independent trait, (3) the theory that all abilities are merely samplings of a very large number of independent factors, intelligence being presumably the general average of such independent factors in the individual. It is out of this welter of differences where the protagonists argue out their cases with the help of mathematical batteries and formulas that we have to extricate a working hypothesis for our guidance. What is it that we would like our intelligence to do for us

² *Journal of Educational Psychology*, 1921, p. 23

ⁱ Colvin, Pintner and Peterson hold with Stern intelligence is adaptability to new situations,

ⁱⁱ Thorndike and Buckingham "the ability to act effectively under given conditions"

ⁱⁱⁱ Woodrow "Capacity to acquire capacity"

^{iv} Terman Power of "Abstract (verbal) thinking" Haggerty, Thurstone and Freeman are inclined to increase the complexity considerably

^v Dearborn defines intelligence as "capacity to profit by experience"

From this congregation of definitions we may separate three somewhat distinct points of view. There is first the belief in a single formal power, second the belief that intelligence is essentially a sampling of a very large number of responses (Thorndike), and the idea of a limited number of items contributing to intelligence (Freeman and Thurstone)

Writing in *Harper's Magazine*, 1920, (Measuring Human Intelligence) Thorndike suggests that we must measure in three spheres, and these he calls *Practical Intelligence*, *Abstract or Verbal Intelligence* and *Social Intelligence*.

We all like to acquire an understanding of the world around us, with a view to live comfortably ourselves and to make others do so if we can. And when our needs have been satisfied, we tend to cultivate a desire to follow up some intellectual pursuit or some other hobby. The world is growing increasingly complex, and the process of adjustment in all walks of life is by no means easy. It requires understanding and accommodation. There are two ways of finding this out—one is by actual trial, and the other is by anticipating the capacity of individuals for adjustment and understanding in the various situations of life. Men and women vary in this capacity and we know that there is something in human beings which is responsible for these differences. This is what some call intelligence and perhaps Spearman would call 'g'. 'g' could be measured by a battery of tests consisting of Analogies, Completion, Vocabulary, and Directions, or equally well by a battery consisting of Abstraction, Mixed Sentences, Opposites and Reasoning problems. Each test would have its own independent 's', but in so far as it overlapped with other tests, it would be measuring 'g'. This view is widely known as the Two-factor Theory—*The Measurement of Abilities* by Philip E. Vernon—1940—p. 165. Our measure of it may be crude, but it is by this that we call some persons bright, others mediocre and some others dull. We try to improve the environment and this results in some improvement but not beyond a certain point, and in the last resort we say the person is lacking in talents. Even where a person is not found wanting in talents we still talk of a man as being hardly fitted for a certain job though he may be quite the man for another. Some are good as mathematicians and others as biologists, some like to be sailors and enter the navy and others join the land forces, some have a passion for the boards and others like to drive the quill in their offices. In other words, some have special abilities in one direction and others

in some other, sometimes there are combinations of two or three likings. But a person who is good at all jobs is rare. These are known as special abilities. Spearman calls them 's₁, s₂, s₃, ...'. They always presuppose 'g' and are operating either individually or cumulatively in groups. Of course the combination of groups goes on changing its complexion as the situations to be faced vary. Thomson very pertinently describes the 'testing' movement "as the movement in which experimenters endeavour to devise tests of intelligence and other qualities in the hope of sorting mankind, and specially children, into different categories for various practical purposes; educational (as in directing children into the school courses for which they are best suited), administrative (as in deciding that some persons are so weak-minded as to need lifelong institutional care), or vocational, etc.

Main Theories of General Intelligence — We have attempted to show in the preceding paragraph the difficulty of having a pattern definition of General Intelligence. All we can hope for is to infer what it is from the signs. One of these signs is attention, another adaptation and another judgment. "To judge well, understand well, reason well — these are the essentials of intelligence."³ All theories have been evolved to explain these factors and to measure their bounds. (1) The Integration Theory — This Theory describes intellectual abilities in terms of a limited number of independent traits. The exponent of this theory is Thorndike, who started by conceiving the mind as 'a host of highly particularised and independent faculties' (*Educational Psychology* by E. L. Thorndike — New York — 1903 — p. 39). But in his later and maturer work, *The Measurement of Intelligence*, pp. 412—15, published in 1927, he modified his views in favour of:

³ *Les Idées modernes sur les Enfants* by Binet, 1909, p. 118. Comprehension, Invention, Direction and Censorship, intelligence lies in these four words.

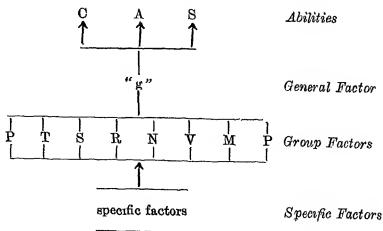
the theory of "Unique Traits" The theory of unique traits holds that there are a limited number of items contributing to intelligence Thorndike names these items as Practical Intelligence, Abstract or Verbal Intelligence and Social Intelligence Kelley, T L, in his *Cross-roads in the Mind of Man*—New York—1928, Hull, C L, in *Aptitude Testing*—New York, 1928, and the authors of *The Minnesota Mechanical Ability Tests*—Minneapolis, 1930, describe intellectual abilities in terms of a limited number of independent traits Spearman is opposed to this (2) Spearman's two-factor theory — "The observed facts indicate that all branches of intellectual activity have in common one fundamental function or group of functions, whereas the remaining or specific elements seem in every case to be different from that in all the others " The fundamental or central factor he designates as 'g' It would be a mistake to identify it with general intelligence Hamley sums up his position thus—every intellectual ability may be resolved into two factors, one of which is a "general factor" (g) common to all the abilities measured, and the other "specific factor" (s), peculiar to each particular ability

Spearman has been criticized Kelley, while in general agreement with Spearman, mentions five independent factors which he calls verbal, number, memory, spatial and speed factors Pearson, and Moul, M contend that the experimental evidence is based on too few cases and embraces too few abilities The last and the most effective critic of Spearman is Godfrey Thomson He holds that there are multiple and group factors in intellectual abilities, each of which may be regarded as a sample of those which the individual has at his command

(3) Multiple-factor —Thurstone and Hotelling employ what is known as the Multiple-Factor method as against the monarchic which insists on one common factor in intellectual abilities, anarchic which pre-supposes a large

number of independent factors, and the oligarchic which assumes a limited number. Thurstone would have 'n' factors in the analysis of any given activity or performance. By a statistical analysis he determines which of these factors are important. In his final representation he shows these factors as weighted in various degrees. "The problem is to calculate all the weights or the "factor loadings" as Thurstone calls them. This theory is a distinct advance in the matter of analysis for the whole phenomenon of intelligence at any one moment consists of a large number of factors, apart from the purely mental, *e g*, temperamental factors or even physiological factors. A number of mental and other factors combine to make a man what he is at any particular job.

Accepting this last position, we have to give specific significance to the expressions intelligence, abilities, factors, general, group and specific. Here we shall follow the illuminating analysis of Hamley. He says "it would make for clarity if we were to regard mental 'factors' as structural units (physiological, physical or even mathematical) and 'general intelligence', 'concrete intelligence', 'abstract intelligence' and 'social intelligence' as functions of these mental factors." He illustrates his point of view diagrammatically thus:—



Stated briefly our position is this. Human Mind has certain inborn capacities which for the sake of avoiding ambiguity we term as specific factors. These factors themselves are not all equally developed nor all need be present in equal degree in the different performances a person engages in. These factors work in various groups according to the exigencies of the situations a person is in. The grouping of factors is consequently the result of adjustment to the environment. The exact loading of these factors is a matter for statistical analysis—and that of an advanced type. We give below a specimen of the mathematical calculation.

No of Tests	Criterion unweighted (0)	W_1	W_2	W_3
1	$\rho_{01} =$	$\rho_{11} =$	$\rho_{21} =$	$\rho_{31} =$
2	$\rho_{02} =$	$\rho_{12} =$	$\rho_{22} =$	$\rho_{32} =$
3	$\rho_{03} =$	$\rho_{13} =$	$\rho_{23} =$	$\rho_{33} =$

[Put down product moments after = ; and then frame Regression equations to determine the values of W_1 , W_2 and W_3]

We may put the mental phenomenon we have been describing so far thus—the structural units function in *group formations* when they react to the environment. The lever to these is provided by the general factor 'g'. 'g' gives them drive and this drive varies from man to man. It is again something very individual and is a predominant principal in determining mental age. In spite of individual differences there are assemblages of equal or almost equal mental ages in any 100 children of a specific physical age. Nature has a predilection for the 'golden mean'. In this respect Aristotle remains unsurpassed. What we call abilities are the resultants of specific factors functioning in relation to a certain environment in groups through the dynamic urge of a potentiality called 'g'.

In so far as a test correlates with other tests, it is measuring some common factor or factors. This is often referred to as the test's communality. But in so far as it fails to correlate (and most test inter-correlations, be it remembered, are only moderately high), it is measuring a purely specific component, or something which is peculiar to that test alone and has no relationship to any other test. This is called the test's *specificity*. Thus any test of an educational or vocational ability can be analysed into certain proportions of certain factors. For example, the arithmetic problem test can be analysed into so much general educational ability, so much arithmetical group factor (these together make up its communality), and thirdly a component specific to that particular test — Vernon, Philip E., in *The Measurement of Abilities*—p. 159.

(Vernon specifies the analysis set forth here to a particular test. Our explanation is generic, and for practical purposes we advocate analysis into group factors only.)

In a scientific procedure to specify quantitatively the quality of each of these factors involved in any mental process we use different devices made possible to us by the developments in physics, physiology, mathematics and above all clinical psychology. The methods range from the simplest to the most complex. The greater the equipment of the researcher or tester the greater the precision of his calculations to reduce quality into quantity. The difference between noise and music is one of quality to a physicist but one of quantity to a layman. Just so in the case of mental operations. Experimental psychology may well congratulate itself on this remarkable achievement of the twentieth century. My attempt in what follows is to present, in a simplified form, what we measure in what is known as mental operations. We have specified the span of years from 7 to 15 as the period for primary and secondary education and have divided this span into two—7 plus to 11 plus and 11 plus to 15 plus. To

what use can all this mental testing be to the schoolmasters? We hold that in every reorganization of the present educational system, the following features must be introduced in a form as simplified as possible so that the schoolmasters, with a moderate amount of training in refresher courses, may be able to collect data for their schools and profit thereby

I Finding the mental age of the children at admission and at 11 plus and 15 plus The provision of sections in the different classes should be guided by the mental age I would recommend three sections—that of students above the average, that of the average and lastly that of those below the average In other words, the interquartile or the mean should be in one section and if the upper 75 percentile must be kept with these provision must be made for individual work and attention for them For example, the first half of the period may be devoted to general talks on the lesson and the other half might be spent with the students falling within the range of interquartile, bringing the lesson home to them The upper quartile may be set some advanced task and sent to a separate room for working it out. The lower quartile must invariably be placed in a separate section It would be interesting to learn what a well-informed correspondent has to say about the children falling in the lower quartile the criterion of good teaching is that the lesson should “get across” to the child and so enable him to make the most of what abilities he has. We should, therefore, regard the special school for mental defectives as a school in which the teaching is such that it can find its way home to a particular quality of mentality by simple, concrete, repetitive, and imitative methods when a more scholastic general and abstract method fails In this way the special school falls into a class of special schools, and should not stand out labelled in capital letters as an isolated kind of school surrounded by an atmosphere of

disgrace —*The Times Educational Supplement*—Saturday, August 22, 1942 In our provinces it is not possible to have a separate school for the retarded and hence we advocate a separate section. There will be mobility between the two sections up to grade VIII and if any student proves himself capable of a lift to the median class he will be shifted to it

II The students should be tested again at 11 plus when they are to pass on to the post-primary school or to a secondary school Here it should be possible to apply aptitude tests to those who are not mentally gifted to pass on to the secondary schools with an academic bias. The best thing for these would be to be placed in technical school recommended (in my thesis) for the aspiring students of the post-primary classes in the rural areas It would be better to designate such schools in urban areas as trade schools (junior), these will have multiple courses suited to the regional needs.

III Besides these tests it would be necessary to frame temperamental tests from the mental age 7 to the mental age 15 to draw up a balanced syllabus which will mean all-round training and prevent lop-sided development in which academic studies are promoted at the expense of other educational activities

At all stages of the tests for the purposes of homogeneous grouping we must be careful to avoid standard deviation (or departure from the mean) to an extent which will bring extremes within the orbit of the group “ investigation and observation confirm the fact that the borderline and the defective child not only fail to learn in a normal class, but have their self-confidence and social attitudes seriously undermined by the struggle to compete with normally bright children”—*The Times Educational Supplement*, Saturday, August 22, 1942 It is immaterial for practical purposes in our Indian schools at this time of a beginning in the direction of mental tests

whether there are two factors or multiple or group factors. The question relates to higher studies in experimental education and psychology.

III

WHAT TO MEASURE IN MENTAL TESTS AND HOW ?

The object of this section is to attempt in the light of what has gone before, a description of what, according to our view, intelligence stands for, or is supposed to stand for, and what has been, and can be, done to measure it. There are sharp conflicts and it is for the readers to resolve them as best as they can. We offer certain suggestions for being examined and improved upon in this connection.

What is Intelligence?—According to the Report of the Consultative Committee on Psychological Tests of Educable Capacity, Intelligence has been described as under —

1. All are agreed that intelligence does not cover temperament or character, and that therefore the personal qualities of will, feeling and emotion are not dealt with by tests of intelligence

2. Intelligence does not cover acquired attainments; hence tests of intelligence give no indication of what a pupil has learnt in reading, spelling, arithmetic, or any of the higher school subjects

3. It seems generally agreed that any narrow or limited talent available for only one type of intellectual work, is not to be named intelligence in this sense

What tests of intelligence measure is inborn, all-round intellectual ability, using the word 'intellectual' to include practical activities as well as theoretical, but to exclude processes of emotion and qualities of character.

This involves certain presuppositions—

i There are certain mental factors which remain more or less constant during the lifetime of individual human beings

ii Methods of examination have been discovered or could be discovered by which these factors in any individual could, to a great extent, be ascertained and differentiated from the results of training and education

Thus the educable capacity of a child at any period of his life may be assumed to depend on mental factors of two kinds—(a) Inborn psychological abilities of a relatively elementary and general nature, and (b) acquired capacities of a more complex and specific character, chiefly memories and habits, such as particular items of knowledge and particular forms of skill

Hence the Committee's conclusion. 'the results of intelligence tests would be to some extent invalidated, if the persons were drawn from different environments that were widely dissimilar or had been subjected to widely dissimilar conditions of life'

This summing up relates to the position in 1924 when the report was published. In 1925 appeared the third edition of *The Essentials of Mental Measurement* by William Brown and Godfrey H. Thomson. The last chapter of this book '*The Present Position*' (1924) sums up the difference between Prof Spearman and Prof Thomson. The difference between these is mainly in the matter of a general factor which has been accepted and posited by the Committee Prof. Spearman holds that there is some common fundamental function which saturates in different degrees the different activities, and is the sole cause of correlation between them. And if this is so the correlation coefficients will be in perfect hierarchical order. In order to demonstrate his hypothesis Spearman proceeded thus he used 24 village school-children of both sexes, age limits 10.0—13 10, 23 boys of a high class preparatory school,

age limits 9 5—13 7, and 27 adults of both sexes, age limits 21 to 78. The tests employed were those for pitch discrimination, weight discrimination, and discrimination of light intensities; and measures were obtained, in the case of the children, from the results of school examinations, grading by teachers, and grading of one another by the children themselves (measure of common sense). The following correlations were obtained.—

	Classics	French	English	Maths	Discrim	Music
Classics ..		0.83	0.78	0.70	0.66	0.63
French 0.83	...		0.67	0.67	0.65	0.57
Eng. 0.78	0.67	...		0.64	0.54	0.51
Maths. 0.70	0.67	0.64			0.45	0.51
Discrim. 0.66	0.65	0.54	0.45	...		0.40
Music 0.63	0.57	0.51	0.51	0.40	...	

The hierarchical order led Spearman to believe that some common factor saturated in different degrees the different activities. If the hierarchical order was not obvious in some cases this was due to two factors—i. the presence of group factors, ii. or a small sample was examined. For this error allowance was made in the calculations.

On the other hand, Thorndike held that there was no common function which saturated in varying measure the various mental activities. He summed up his conclusion as follows—"In general there is evidence of a complex set of bonds between the psychological equivalents of both what we call the formal side of thought and what we call its content, so that one is almost tempted to replace Spearman's statement by the equally extravagant one that there is *nothing whatever* common to all mental functions, or to any part of them."

As against the view of Spearman Prof. Thomson has advanced a Sampling Theory of Ability, in which any performance is considered as being carried out by a sample of group factors. "This theory," in the words of Brown

and Thomson, "is preferred because it makes fewer and less special assumptions, because it is more elastic and wider, and because it is in closer accord with theories in use in biology and in the study of heredity" They sum up their differences with Spearman thus—" . . . the controversy between us and Prof Spearman is not, and never was, as to the possibility of thus postulating a general factor, but as to the possibility of explaining all correlations thus without postulating any but the slightest group factors and these very narrow in their action Our position is that until the evidence is more clear we shall continue to suspect that numerous and wide groups are present" (See *Mental Measurement*, p 199)

The position is then this There may be a 'g' which is very well marked out in some hierarchies and the explanation of Spearman in the form of 'g' and a special factor (group factors being absent, or at any rate narrow in their range and mutually exclusive) may apply in some select cases or in cases deliberately planned to bring out this result, but proceeding empirically with the data that various environments may offer we find that the 'g' may not be apparent, if not completely absent, and the best explanation is possible through group factors and specifics. This leads us to the conclusion that the discovery of 'g' is a tedious process beset with pitfalls and speaking theoretically it is a matter of divination Whatever the intrinsic nature of this innate capacity in actual practice we succeed better by working out group factors relevant to an occupation The success in any occupation is its criterion and the various tests which are used to adjudge the capacity for success in the occupation should have a high correlation with the criterion score and low intercorrelation among themselves. Low intercorrelation is symptomatic of the distinctness of the various group factors in operation in any one occupation Hull is, therefore, justified in holding "It is doubtful whether any unitary

faculty of general intelligence exists " We have, instead, a large number of more or less specialized potential aptitudes or *intelligences* When speaking of intelligence we should, therefore, if we would be accurate, speak in the plural rather than in the singular If the above contentions are true, it is evident that a 'general' intelligence test could be nothing but a kind of general average of all the potential aptitudes of any given person or a representative population

"It is probable that the future will see some approximation to a really general or universal intelligence test by means of which the various types of aptitudes of an individual may be *separately* forecast The test would be general in the sense that a single test would be administered, but the numerous aptitude forecasts derived by uniting the various test scores in different combinations would be highly specific If desired, of course, an average of all these distinct aptitude estimates could be taken This would probably be as close to a true 'general' intelligence test as will ever be attained. General intelligence is thus defined as a kind of average of all possible aptitudes The natural objection to such an average aptitude rating would be that, being so general, it would yield an exceedingly blurred and indistinct indication of anything in particular This is true After all, it is usually the particular in which we are interested. If each of the important aptitudes were known, it is doubtful whether we should have much use for the general average of all"—*Aptitude Testing* by Clark L Hull, pp 62-63.

This conclusion is a contrast to the findings of the Consultative Committee. What about intelligence as a general trait then? As a dynamic, active agent, intelligence is usually defined as "the general capacity consciously to adjust one's thinking to new conditions of life." This dynamic factor manifests itself through special fields of activities, hence it is that Thorndike talks

of abstract, social and mechanical intelligence The reference is plainly to the media through which the dynamic function operates The experiments carried out in Hampshire show that for a correct estimate of intelligence we must test not only the verbal capacity but also practical capacity. In 1935 the children in the experimental school there were reclassified on F view. These were the children certified as mentally deficient on the Binet test And the method used brought out some children to perfect normal life This way of educating has been described as *developing multiple factor capacity of children* The Lankhull methods are much the same John Duncan in his book *The Education of the Ordinary Child* tells us how the so-called backward children (judged by the intelligence tests which emphasise the verbal factors) could be made to develop into normal ones by the practical form of education I am quoting the subheads under which Terman and Merrill arrange the intelligence test for Year XI (mental age)—*Finding reasons, Copying a bead chain from memory, Verbal absurdities, Abstract words, Similarities and Memory for sentences* It would be an interesting study to find out the correlation of scores among these different heads The chances are that all of these heads do not measure any one general capacity If and to the extent there is one it is difficult to measure it. My personal contention is that the expression intelligence test should be dropped and we should use aptitude tests of an omnibus nature—that is, tests that relate to a number of cognate occupations and it is on the basis of the general average for the different units of tests in the omnibus tests that we should appraise general competence. There would be different age norms of these tests The average thus obtained would be an indication of the capacity for conscious generalisation which alone makes transfer of training possible The preparation of such tests requires the following steps —

I A careful analysis of the activity or vocation in question. This will involve a more or less protracted, objective and systematic study of individuals actually engaged in the particular activity

II The choice of a preliminary battery of tests which shall measure as well as possible the various pivotal traits emerging from the aptitude analysis as probably significant. One should choose a field of tests two or three times as large as that desired for the final battery, so that the tests representing incorrect guesses may be eliminated and still leave enough successful ones to make up a satisfactory battery

III Testing the tests—This consists in the administration of the preliminary battery of tests to a large number of individuals who are about to start training in the aptitude under investigation, but who have not as yet had any actual experience in it

IV. The Criterion Score—This consists in the securing of a quantitative determination of the final aptitudes or vocation proficiencies of the trial group of subject after they have finished their training and acquainted themselves closely with the jobs they are at.

V Correlating the test scores with the criterion score. The tests feebly related to the criterion score should be eliminated. Those which are highly correlated with the criterion score and among themselves would require sifting. They tend to measure the same mental factor. The tests retained should correlate highly with the criterion score and should have low correlation among themselves

VI Since all the tests would not measure the various factors in the degree of their relative importance to the occupation the different tests would have to be weighted. The determination of relative weights for the surviving tests is made possible by the multiple-regression equation.

University of Allahabad Studies

1943

PHILOSOPHY SECTION

ON REGRESSION

(Being a comparative and critical study of the theories of McDougall and Freud, with original suggestions for the synthesis of these two theories)

BY

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1 *Regression—General Considerations*

We are familiar with the phenomenon of *regression* in the biological scale of evolution. Certain animals seem to be losing the organs that they have gained after a severe struggle with the environment, and what is more surprising, they seem to go regressing to a more primitive level of existence. It is very easy to speak of them as freaks of nature, and pass them by without any further thought about the reason why they are regressing. But *there* they are as a challenge to our intelligence, and until this process of back-sliding is explained, biology cannot be said to have fulfilled its mission. Such an explanation can be found only by taking the *purpose* of the process into consideration. Purpose, then, is bound to become in the near future the guiding principle, not only for psychology and biology, but also for physics and chemistry.

In the scale of mental evolution too the process of REGRESSION plays an important part, and sometimes an overwhelmingly dominant part. What evidence other than the unfortunate condition of the 'civilised' nations of the

world to-day is needed for the power which regression wields over the human mind? Many nations have abandoned the high ideals which they cherished, and have gone back to a primitive arboreal state of existence. The civilisation which they built up patiently and with much toil and sacrifice has disappeared almost overnight. The grand edifice of Western culture raised up with great effort—brick placed upon brick carefully and meticulously, the binding cement laid evenly and with great precision—this edifice has crumbled to dust. The nation which gave birth to Kant and Hegel, Goethe and Schiller, and Wagner and Mozart, the country which fostered Leonardo da Vinci and Michael Angelo, and the land of the rising sun which used to be associated in our minds with all that is gentle and beautiful in life—these have regressed to a level of life not far removed from that of the pre-historic monster which ‘red in tooth and claw’ delighted in a career of destruction, and finally destroyed itself. Regression is stalking in our midst. We should bestir ourselves, check its progress, and if possible, annihilate it completely. To this end we must direct all our efforts, but our efforts will be fruitless unless we have an adequate knowledge of the psychology of mental structure, of the group as well as of the individual, of the tortuous ways of the evolution of this structure, and of the ways and means by which this evolution is arrested and reversed. The psychologist, then, has a serious responsibility resting on his shoulders, and he must bear up under the burden as best as he may.

Sigmund Freud was the first scientific psychologist to gain a clear understanding of regression in the individual mind, and of its potentialities for evil. He believed that regression played a part in generating all neurotic symptoms. After Freud, William McDougall, the leader of the hormic school, studied the problem, but did not arrive at any definite conclusion. In this paper I shall,

in the first instance analyse regression according to hormic and psycho-analytic principles, and then I shall offer suggestions for synthesising the schemes of McDougall and Freud. The constructive suggestions in the paper will be built upon a foundation of hormic psychology, because mechanistic and other types of non-hormic psychologies do not touch even the fringes of the problems relating to the deeper strata of the human mind.

2. *Neurological Explanations of Regression*

Before starting on our journey of exploration, we have to consider and dispose of the neurological explanations of regression. Hughlings Jackson has made a significant contribution to the study of the neural basis of regression. Maurice Nicoll¹ sums up for us the conclusions of Jackson. The main point is that mental regression resulting in a primitive type of behaviour cannot be explained in terms of the deterioration of parts of the nervous system. There is a wide spread belief among the neurologists that symptoms of nervous diseases may be linked up with brain lesions. It is this belief that Jackson is anxious to dispel. 'In diseases affecting the brain he (Jackson) emphasised,' says Maurice Nicoll, 'the fact that destruction of nervous tissue cannot produce positive symptoms. Whatever positive symptoms appear must be due to the activities of nervous elements that remain intact'. 'I submit' says Jackson, 'that disease only produces negative mental symptoms . . . and that all elaborate positive mental symptoms are the outcome of activity of nervous elements untouched by any pathological process . . .'

Jackson has rendered great service to psychology by exposing the fallacies of neurology, but he has not stressed sufficiently the *purposive* nature of the function of the

¹ Maurice Nicoll, 'Regression' in H. Crichton Miller's *Functional Nerve Disease*, Oxford, 1920, pp. 102—105.

nervous system. He has made a very valuable contribution to neurology by his analysis of neural functions into three hierarchical levels, and by suggesting that regression may be associated with the dissolution of the higher levels. Yet, he is not able to shake off the influence of the concept of mechanical causation as the predominant factor in the functioning of the nervous system. Contemporary psychology has shown clearly that the body is merely a tool of the mind. We admit that the nervous system is an element, and an important element, in generating the disorder that we are now considering, but, it is only a part of the whole situation. There are other and more important parts in the causal whole determining this particular type of neurosis. These are mental in origin, structure and function, and to these we must now turn our attention.

3 *A General View of Regression.*

Regression, as the term clearly indicates, is the phenomenon of retracing of steps in an orderly progressive movement of life towards a goal. There is impoverishment of life in regression. The patient flies back from the realities of life to a primitive state of security which he enjoyed in his infancy. Life, as we know, is constant struggle, it is intense dynamic activity in an environment which is presenting problems to us in perpetual succession. Progress in the real sense is only possible through the solution of the tough problems which face us constantly. Progress, in fact, consists in overcoming obstacles and passing beyond them to meet fresh problems. Now, when a living organism is up against a problem there are three ways in which the situation may be met. In the first place, the obstacle may be overcome through intense effort and perhaps some suffering too, in the second instance, some sort of compromise may be made and though the problem is not solved yet life may be carried on under seemingly normal conditions, and lastly the organism unable to cope

with the situation may fall back on its inner lines of defence. This last reaction to life is *regression*. It is really beating a retreat in the face of difficulties into a fortified position. As Maurice Nicoll puts it, 'Regression is a psychic act and, in the broadest sense, is a movement away from the adaptations of life back towards that condition of security which the infant experiences in its mother's arms before it has discovered the responsibilities of this world. In place of meeting fresh obstacles in life by achievement the neurotic forms fresh symptoms. The forward movement that accompanies the overcoming of new tasks is absent.'

4 *A classification of the Psychological Theories of Regression*

Theories of regression may be classified under three heads, theories relating to (1) regression of sentiments to the primitive instincts, (2) regression of primitive instincts to some instinctual matrix, and (3) regression of sex to its infantile forms of manifestation. The first of these types is dealt with in hormic psychology, the third in psycho-analytic theory, while the second which is the connecting link between them is to be supplied by us. We shall therefore turn our attention now to a consideration of the hormic foundations of regression.

5 *Hormic Psychology and its Foundations*

The foundations of McDougall's hormic theory have been analysed by me in some of my recent papers.² The theory is anti-mechanistic and purposivistic, and its central

² Naidu, P. S., 'A Reconstruction of the Hormic Theory of Sentiments,' *Jr of the Ann Univ*, Vol VIII, 1938.

Naidu, P. S., 'The Rasa Doctrine and the Concept of Suggestion in Hindu Aesthetics,' *Jr of the Ann Univ*, Vol X, 1940.

Naidu, P. S., 'On An Extension of McDougall's Hormic Theory,' *Phil Quarterly*, Vol. XIII, 1937.

thesis may be summed up very easily. 'The structure of the human mind may, according to McDougall, be inferred from the way it functions. From the behaviour of living organisms we may reconstruct for ourselves the structure of the mind which is responsible for the behaviour.' A question may be raised here as to the possibility of analysing the structure of something which by its very nature is intangible. Our answer is that we infer the structure from function. This procedure is justified by the established usage in the physical and biological sciences. The atom and the gene, are by their very nature intangible. Yet we have pictures, mathematically accurate, of their constitution. These pictures have been constructed solely by a process of inferential reasoning, from data gathered from the observable behaviour of the atom and the gene, under conditions artificially set up and controlled by the experimenter. Making use of this fruitful methodology, McDougall the leader of the hormic school of psychology, has analysed for us the structure of the mind as it reveals itself in concrete behavioural situations. The structural elements, as thus discovered by the Professor, are described in the chapter dealing with the 'instinctive dispositions' and 'propensities' in his three great works, '*Social Psychology*', '*An Outline of Psychology*' and the '*Energies of Men*'. The elements that go to make up the complex structure of the human mind are the 'instinctive dispositions' (or propensities). This does not mean that the intellect is eliminated from the scheme of things. The intellect is a halo that plays round instinct, guiding the latter by shedding light on its path. An unlighted path is no doubt difficult to traverse; but a brilliant lamp without a path to be lighted by it, and with no one to benefit by it is an absolutely useless thing.

'The elemental propensities which make up the mind have a complex structure of their own. Each instinctive disposition or propensity is stimulated by an objective

situation, gives rise to an emotion, and leads to a specific course of action. The instincts, and their corresponding emotions are the elements of mental structure.

'Unlike the objects in the physical environment, the human mind, as it is a living dynamic entity, is constantly undergoing change. In this process of development the elements of mental structure are modified very considerably. With the steady growth of the child's experience of the world, the elemental propensities of mental constitution get organised into patterns of ever increasing complexity. The instincts (or propensities) get organised round objects and persons in the first instance, and give rise to *concrete sentiments*. Later in adult life they are organised round ideas and concepts, and give rise to *abstract sentiments*. Let us illustrate our point by taking a few sentiments and showing how they are formed. Hatred, for instance, is a sentiment. It is composed of two elemental emotions, fear and anger. Often a third element, disgust, is present in addition. One never hates a person of whom one is not afraid. A loathsome creature generates only disgust in our minds, but when we begin to hate it, we may be certain that fear has taken possession of us. Scorn is another notable sentiment, and it is composed of self-assertion, anger, fear and disgust. In the mind of a young child the formation of these complex emotional patterns, called sentiments, is confined to the concrete level. As the child grows older abstract sentiments are formed, wherein the centres of organisation are ideas or concepts.

Complex sentiments, both abstract and concrete, are not structures lying loose, one by the side of the other, in the mind of the adult. They are organised and arranged into a hierarchy of sentiment values, with a master sentiment at the top of the scale, controlling in terms of its intrinsic worth, the other sentiments lower down the scale. Such organisation of sentiments is *culture*. Culture has

been rightly defined as culturing or cultivating the mind, the cultivation yielding a scale of well-organised sentiment values. This is the view of culture that hormic psychology presents to us, and no other view is of any value for understanding the springs of human motivation.

One of the inevitable consequences of the dynamic constitution of the mind is that it must express itself in some form or other. For the ordinary individual the channel of expression is daily conduct. The daily routine of the home and the place of business, of amusement and relaxation—this is enough cultural expression for the average person. For the gifted and superior individuals, the channel of expression is unique. It is something partaking of the nature of creative art of the highest type. For the man of action, the expression may take the form of leadership in some field—religious, social, military, industrial or some such practical field of human activity, whereas for the man with a contemplative nature, it will take the form of some high and unique artistic product—painting, sculpture, music, literature or architecture. The cultural advancement of mankind has been made possible through the creative work of these gifted individuals. By their exemplary work they have lifted man from the primitive instinctual level to the highest planes of cultural refinement.

Sentiments and organised scales of sentiment values then, are the prime movers of all human activity. It is in the light of this psychological analysis of mental structure that we may, for the first time in the history of psychology, be said to understand the formation of character and the expression of character in conduct. The credit for this scientific analysis of human character goes solely to hormic psychology.

6 *Hormic Psychology and Regression*

It will be helpful to our general understanding of the nature of regression if, at this stage, we refer to section A of our diagram (at the end of the paper). This section represents McDougall's conception of the evolution of mental structure. It indicates the direction along which progress, racial as well as individual, has taken place. It also indicates the stages along which human civilisation has developed. But the price which this progress and this civilisation demand is *eternal vigilance*. Sentiments of the higher order, and scales of sentiment values are very fragile objects. A slight hindrance to their smooth working is enough to dissolve them into their primary components. Great mental effort is needed to keep intact the higher sentiments which man has built up. The sentiments are acquired characteristics. They have to be built up patiently and preserved with the utmost vigilance. Even a highly cultured person discovers that, if he is off his guard for a moment, his mental structure degenerates to the primitive level. And when there is some powerful hindrance to the functioning of the higher sentiments there is a permanent degeneration to the original instinctual level of behaviour. The first conception, then, of *regression* that we get from hormic psychology is the regression of highly cultured sentiments to their primitive components, namely, the fundamental instincts. Behaviour has sunk (or regressed) to the instinctual level.

7 *McDougall's Biological Conception of Regression*

This picture of regression is simple and clear, and ought to have been accepted by McDougall, because it is based on the fundamental conceptions of his hormic psychology. Yet, we find that in the chapter on 'Regression' in his *Abnormal Psychology* the leader of hormism displays a strange reluctance to accept a hormic explanation of regression. He says, ' . I would regard it

(regression) as a biological rather than a specifically psychological process, that is to say, as a process which though purposive in a sense, like all biological processes is not governed by any explicit or conscious purpose'.³ This is a strange confession from the pen of one whose psychology is avowedly purposivistic. Earlier in the chapter McDougall admits, though in hesitant tones, the validity of the concept of purpose in explaining regression. 'I have no prejudice' he says, 'against giving the fullest possible recognition to purpose, desire and subconscious motivation in general, but in respect of regression, it seems to me that the psycho-analysts go too far in this direction.'⁴ When we enquire into the cause of this hesitation not only do we discover the defect in the McDougallian conception of the evolution of mental structure, but we also get hints as to how this defect may be remedied.

It will perhaps be profitable to state in advance the main conclusion of this paper, because it throws light on the point under discussion here. We have noted already in outline the evolutionary conception of mental structure which hormic psychology presents to us. Regression, according to this conception, is the reversal of the process of mental evolution. Now the question is this. Does this regression or reversal of evolution stop at the level of the fourteen instincts as conceived by McDougall? What of the instincts themselves? They must have evolved from simple beginnings. If they have, then regression may extend downwards to the very beginnings of primitive mental structure. McDougall has a strong prejudice against theories which concern themselves with the evolutionary antecedents of his battery of fourteen instinctual dispositions. Psycho-analysis takes us back to the earliest stages of mental evolution. McDougall is reluctant to turn his attention to these stages, and is therefore opposed

³ *Op cit.*, p 296

⁴ *Op cit.*, p 293.

to psycho-analysis. If McDougall had been an arm-chair psychologist of the nineteenth century, the defects in his theory would not have troubled him. But he was constantly testing his theories in the fields of social and abnormal psychology, and often he had to face failure. It is in the face of these failures that he makes certain significant confessions which reveal to us the need for the extension of the hormic theory in the direction of psycho-analysis.

One would naturally expect elucidation of the difficult points connected with regression in the case histories of patients whom McDougall treated in his clinic. But it is exactly here that the greatest disappointment meets us. Four cases are recorded,⁵ and in no one of them do we get any clear understanding of the nature of regression. It is with some reluctance that McDougall admits that 'in some cases, the substitution of infantile for adult modes of activity is unmistakable;' but he is emphatic that 'in most of such cases, it is not possible to point to forms of bodily or mental activity that are specifically childish or infantile.' No wonder then, that following this wrong lead McDougall was not able to cure his patients, and had to confess that in one striking case he had to suffer the mortification of seeing the patient regress gradually under his own hands in spite of all his efforts.

What then is the psychological explanation that McDougall has to offer for regression? Now, in order to understand his explanation and its limitations, let us restate the correct hormic view of regression. Hormic psychology holds that mental structure expresses itself in mental function, and this leads finally to bodily behaviour. Behaviour at every stage is the dynamic expression of structure which is mental. The foundation or the fundamental framework of this structure is racial, innate and inherited. This foundation is composed of native

⁵ McDougall, *An Outline of Abnormal Psychology*, pp. 285
—292

propensities and dispositions (or, if we could overcome our prejudice against a good old term, of *instincts*) These instincts are the life-blood of a living and growing mind. They express themselves in all their primitive strength and nakedness in the behaviour of the child, but soon they change into civilised *sentiments* of varying grades of refinement. These cultured sentiments are the main springs of adult activity. But sometimes it happens that the elaborately built superstructure of sentiments breaks down completely. The smooth covering falls off revealing the bricks within. The adult instead of keeping a firm hold on himself, and guiding his behaviour in the light of his hard won sentiments, regresses to a more primitive level of conduct, and lets himself be moved by savage instincts and their emotions. This is regression. *Regression* is thus a process of mental degeneration from a higher level of evolution to a lower or primitive level. This is the picture of regression built according to horimic principles, and should have been accepted by McDougall.

Instead of conceiving regression in mental terms McDougall strikes out a strange path and offers a physiological explanation of this pathological condition. 'I seek to render my conception of regression more definite' says McDougall, 'by likening the nervous system to a tree. If in a tree the most recently formed parts are injured, if in any way, as by frost or fire, their vital activities are checked or suspended, we observe a new outburst of growth and vital activity in the older, more primitive parts, namely, we see buds growing out from these parts. This seems to be truly analogous to the process of regression. The highest or most recently developed parts of the cerebral cortex represent the growing points of the human organism and are analogous to the growing points of the upper branches of the tree. Arrest of their functions is followed by a new outburst of vital activity in the lower, older parts, which had been rendered quiescent by the flow

of vital or nervous energy to the more recently organised parts. Just as the tree injured at the top puts out new buds below, so the nervous system, when the vital activities of its latest organised parts are arrested, puts out new buds below, i.e., resumes or reanimates its infantile functions.⁶

The explanation of regression suggested here is purely physiological. We have already rejected neurological explanations of this mental disorder. One wonders why the founder of hormic psychology has abandoned purposivistic principles and has sought refuge in neurology. We can see two reasons for this attitude of McDougall, one is the unreasonable attitude to Freud for which McDougall is himself responsible, and the other is the gap, as yet unbridged between the hormic theory and psycho-analysis for which the leader of hormism may not be held responsible. When the prejudice is removed and the gap filled then hormic psychology will be able to probe into the root cause of mental disorders.

8 *McDougall and Freud*

It is a matter for regret that McDougall is unduly prejudiced against Freud and his psycho-analytic theory. This prejudice arises out of certain strong tendencies in hormic psychology. McDougall holds to a pluralistic theory of instincts, while Freud's theory in the earlier stages was monistic and pan-sexualistic. The Unconscious is one of the main pillars on which psycho-analysis rests, while the very name of the unconscious is to be shunned by the McDougallian. I have discussed in a recent paper⁷ the relation between McDougall and Freud. McDougall himself has seen the need for the synthesis of hormism and psycho-analysis. What stands in the way of

⁶ *An Outline of Abnormal Psychology*, pp. 294-295.

⁷ 'Psycho-Analysis and Hormic Psychology,' *Ind. Jr. of Psychol.*, Vol. xvi, 1941.

the synthesis is the gap that separates the pluralistic theory of instincts from the monistic theory. This gap can be bridged. The *many* must, after all, have evolved from the *one*. When the steps or stages of the evolution of the many instincts from one instinctual matrix have been traced, then it will be seen how hormism and psycho-analysis are complementary to each other.

McDougall's prejudice against psycho-analysis expresses itself with great vigour in the field of regression. 'I cannot', says McDougall,⁴ 'find sufficient grounds for acceptance of either Freud's or Jung's view of regression. According to the one, the patient becomes dominated by the sexual desire of his infancy, according to the other, the collective unconscious impels the patient to seek to return to the protected security of the infantile condition. According to both, the regression is a purposive activity, a striving towards a goal, prompted by unconscious desires. Now, I have no prejudice against giving the fullest possible recognition to purpose, desire and sub-conscious motivation in general, but in respect of regression, it seems to me that the psycho-analysts go too far in this direction. And I hold also that they give to the principle of regression too wide an application.'

Now, the trouble with McDougall is that he is not able to see that his battery of instincts has an evolutionary history behind it. The moment this fact is realised the antagonism to Freud ought to disappear. The fourteen instincts described so admirably in *An Outline of Psychology* should have evolved from some one primeval instinct, and it is this matrix with which Freud is occupied. A sketch of this evolutionary history will be presented in this paper. For the present let it be noted that the unbridged gap between the monistic and the pluralistic views of instincts stands as a serious obstacle to the unification of the contemporary schools. Until such unification is brought about, psycho-

⁴ *An Outline of Abnormal Psychology*, p. 293.

logy must lag behind all other positive sciences. The evolutionary theory of instincts, then, is bound to play an epoch-making rôle in contemporary psychology.

9 *Freud's account of Regression*

Before we take up the question of the evolution of instincts let us turn our attention to Freud's theory of regression. Three types of regression are discussed by Freud in his *'Interpretation of Dreams'*. These are (1) topical regression, (2) temporal regression, and (3) formal or functional regression. 'These three forms of regression are, however, basically one, and in the majority of cases they coincide, for that which is older in point of time is at the same time formally primitive.'⁹ Freud's conception of regression is in fact based on the regression of sex to its more primitive and infantile forms of expression, but the general aetiology of the process that he presents to us is remarkably lucid. 'The impulse (libido),' Freud says, 'will find occasion to regress when the exercise of its function in a later and more developed form meets with powerful external obstacles, which thus prevent it from attaining the goal of satisfaction.' This is exactly the aetiology that I have offered in regard to the regression of mind from the highest cultural level to the lower levels of instincts. The cultured sentiments regress to their elementary components or instincts when they meet with powerful external obstacles. Freud is pre-occupied with the lowest levels of evolution, so he is thinking of the regression of sex to its primitive levels. He proceeds to clarify his position by remarking that 'it is a short step to assume that fixation and regression are not independent of each other, the stronger the fixations in the path of development the more easily will the function yield before the external obstacles, by regressing on to those fixations, that is, the less capable of resistance against the

⁹ *Op cit* (1st ed., Lond., 1932), p. 505

external difficulties in its path will the developed function be

‘ you may anticipate two kinds of regression, a return to the first objects invested with libido, which we know to be incestuous in character, and a return of the whole sexual organisation to earlier stages. Both kinds occur in the transference neuroses, and play a great part in their mechanism ’

‘If you give it (regression) its general sense, that of a reversion from a higher to a lower stage of development in general, then repression can also be described as reversion to an earlier and lower stage in the development of a mental act ’

‘Repression is a topographic dynamic conception, while regression is a purely descriptive one. But what we have hitherto called ‘regression’ and considered in its former halting-places in development, that is, something which is essentially quite different from repression and quite independent of it ’¹⁰

The dissolution of the higher and more developed forms of the sex instinct to its lower stages having their origins in infancy are thus depicted in forceful language. In addition to this picture, Freud also presents to us the regression of non-libidinous instincts, and the regression of the ego instinct in particular. He is concerned only with the lowest level of mental evolution, and so he tells us nothing about the second stage of evolution, though in the later stages of his scientific career he recognised the presence of such non-sexual elements in mental structure as fear and regression.

Interesting light is thrown on the general theory of regression by Freud’s discussion of dream mechanism. In his *Introductory Lectures*, Freud writes, ‘ what has to be accomplished by the dream work is the transformation of latent thoughts as expressed in words into perceptual

¹⁰ *Introductory Lectures on Psycho-Analysis*, pp 285—299.

forms most commonly into visual images. Now our thoughts originated in such perceptual forms, their earliest material and the first stages in their development consisted of sense-impressions, or more accurately of memory pictures of these. It was later that words were attached to these pictures and then connected so as to form thoughts, so that the dream work subjects our thoughts to a regressive process and retraces the steps in their development, in the course of this regression all new acquisitions won during the development of memory pictures into thoughts must necessarily fall away.

' we have learnt not only that the material of the forgotten childish experience is accessible to the dream, but also that the child's mental life, with all its peculiarities, its egoism, its incestuous object-choice, persists in it and therefore in the unconscious, and that our dreams take us back every night to this infantile stage.

' Regression in dream is one not only of form but of substance. Not only does it translate our thoughts into a primitive form of expression, but it also re-awakens the peculiarities of our primitive mental life—the old supremacy of the ego, the initial impulses of our sexual life.

' What is it that forces our mental activity during sleep to such regression? Why cannot the mental stimuli that disturb sleep be dealt with without it? And if on account of the dream censorship the mental activity has to disguise itself in the old, and now incomprehensible form of expression, what is the object of re-animating the old impulses, desires and characteristics now surmounted? What, in short, is the use of regression in substance as well as in form? The truly satisfactory answer would be that this is the one possible way in which dreams can be formed.

This rather lengthy quotation has been inserted here in order to show how Freud's conception of regression on its cognitive side is built on the same foundations as that

of his conception on the conative side. And the foundation is simple enough. In both, Freud is concerned with, what, according to his view, is the most primal instinct, namely, sex. To the evolution and regression of this instinct Freud has given practically all his attention. He is pre-occupied with the cultured as well as the crude primitive forms of manifestation of the impulse. His clinic allowed no time for the investigation of the other impulses in the human mind. Later in his life, when Freud had some leisure to think over the implications of the case histories of some of his patients, he recognised the non-libidinous instincts. So, for the present we may note that the Freudian picture of regression (as represented in sec. C of our diagram) is confined to the regression of the sex impulse to its infantile forms of manifestation.

10 *The Evolution of Instincts*

Our diagram brings out clearly the gap between the lower levels of mental evolution and the higher levels as described by McDougall, and to the bridging of this gap we shall now address ourselves. It may be remarked incidentally that this attempt to bring the hormic and psycho-analytic theories is being made here for the first time.

It is a matter for surprise why McDougall did not make any attempt to fill in the gap. He seems to have been indissolubly wedded to his scheme of fourteen instincts. And our surprise is heightened when we find that McDougall has realised, in his brilliant essay on 'Mental Evolution' contributed to the symposium volume, *'Evolution in the Light of Modern Knowledge'*,¹² the need for studying the progressive development of mental structure. In this essay the author gives us (1) the evidence for mental evolution, (2) the two ways in which this

¹² This volume was published by Messrs Plack & Son, London, 1925.

evolution has been conceived, and (3) the way in which mind has progressed from simple and humble beginnings in the amoeba to its complicated and highly evolved form in man. And all the time McDougall is pre-occupied with the evolution of *mind as a whole*. Of the successive differentiations followed by integration of the simple undifferentiated instinctual matrix of the mind, McDougall has somehow lost sight. Yet, in the essay mentioned above, McDougall comes very close to the concept we are emphasising here. But at the critical point he switches off to consider 'the evolution of higher from lower forms of mind'. His analysis leads him to postulate the progressive scale of purposiveness with which every student of hormic psychology is familiar.¹³ The main point, however, is missed.

For a long time instinct was dogmatically regarded as being immutable. It is perfectly legitimate, however, to supplement the theory of the evolution of species by the theory of the evolution of instincts. If one species grows out of another, and if the instincts are the prime movers of the behaviour of living organisms, then the inference is inevitable that instincts have undergone transformation according to a progressive scale of evolution. Evidence for such evolution is available to us from two important sources so far as human instincts are concerned. In the first place the evolution of the highly co-ordinated patterns of movement pertaining to specific instincts has been traced from the simple uncoordinated movements of general excitement or restlessness of the infant by certain leading contemporary psychologists.¹⁴ This evidence relates to the purely physiological aspect of the evolution of instincts, but it is useful for our purposes. Behaviour

¹³ McDougall, *An Outline of Psychology*, p. 48.

¹⁴ Dashiell, *Fundamentals of Objective Psychology*.

Tiffin, Knight and Josey, *Psychology of Normal People*, pp. 214ff.

is generated by mental antecedents, and the development of behaviour may be taken as the outward expression of the development of its mental progenitor. Now, arguing on lines similar to those which the embryologist employs in speaking of ontogeny and phylogeny, we may conclude that the evolution of instinctual behaviour as noticed in the child is an epitome of the general evolution of instincts in the race. Thus is the conception of the evolution of the *many* instincts from *one* instinctual matrix justified by the observations of contemporary psychologists.

The second source of evidence in support of our main thesis is drawn from McDougall's works. In the course of his analysis of the instincts of mammals and man McDougall throws out significant suggestions as to the possible manner in which some of these fundamental dispositions may be conceived as having grown out of others.¹⁵ McDougall points out that the *acquisitive* instinct is in the 'process of differentiation from the *feeding* instinct, and that various species illustrate stages of this differentiation.' There are objections to this view, but taking the evidence as a whole McDougall's position seems to be correct. In the same way the *constructive* instinct is dependent on home-making, and this is just one aspect of the *parental* instinct. *Repulsion* functions primarily in the service of food-seeking and sex, and so it may be considered to have arisen out of a partial differentiation of both fundamental instincts. *Appeal* arises when anger fails 'the instinctive cry of distress is evoked as a further reaction, when the combative instinct fails to attain its goal.' Of assertion and submission McDougall says 'that for the maintenance of social order without waste of energy these two instincts must operate in *gregarious* animals. They have differentiated evidently from primitive gregariousness. A notable attempt has been made recently to show that submission is but a mild form of fear. Assertion may

¹⁵ *An Outline of Psychology*, 1 p. 121—165

on similar grounds be identified with anger. In any case assertion and submission have their roots in other instincts. For the present let us agree with McDougall and hold that they are rooted in gregariousness. On McDougall's own showing, then, *acquisitiveness*, *repulsion*, *construction*, *appeal*, *submission* and *assertion* may be looked upon as rooted in food-seeking, parental instinct, combativeness, and gregariousness. Alongside these we have to place *escape*, *curiosity* and *sympathy*. Among those instincts which may be considered to be more fundamental than the fourteen with which McDougall starts, there are two which serve merely as preliminaries to other instincts—*curiosity* and *combativeness*. They have no specific objects of their own, but they function in connection with other instincts. Primitive passive *sympathy* is not a separate instinct at all, but only a general aspect of the functioning of all instincts. Hence we are left with five fundamental instincts,—*Food-Seeking*, *Escape*, *the Parental Instinct*, *Sex*, and *Gregariousness*. These five must have an evolutionary history behind them. How, then, are we to conceive of the stages through which these five instincts have passed? Once again we get the clue for the further expansion of our main conception from McDougall's own writings.¹⁰ Our author remarks in the course of his analysis of the food-seeking instinct that this impulse is probably the first tendency to be differentiated from the *elan vital*. That is exactly the point that we have been emphasising in this section of the paper. The *elan vital* or the instinctual matrix is the primordial impetus from which all instincts have evolved. We may assume a first differentiation of this original impetus into a *positive* and a *negative* impulse, the former tending towards the maintenance and continuation of the individuation of the living organism, and the latter tending to subordinate, and some-

¹⁰ *An Outline of Psychology*, p. 145

times even to sacrifice the individual to the group. The positive impulse may now be looked upon as having differentiated into, food-seeking and escape, and the negative into parental, sex and gregarious instincts. Thus the whole scheme of the evolution of mental structure from the primoradial *elan vital* to the highest and the most complicated sentiment has been reconstructed by us.

The result of our discussion is summed up in the diagram at the end of the paper, and an explanatory note attached to the diagram indicates the various parts which relate to the various sections of the essay. We have indicated how the whole battery of instincts may be viewed as having evolved from the primeval life urge or the *elan vital*. We have by this evolutionary conception bridged the gulf between Freud and McDougall. McDougall's hormic theory begins not at the first or the earliest stage of evolution, but in the middle of the course of evolution. We should trace his fourteen instincts down to their origin, and when we so trace them down to their beginnings, we come upon Freud's conception of sex, and tracing this to its origins, we land finally in the *elan vital*.

11 *The Cure for Regression*

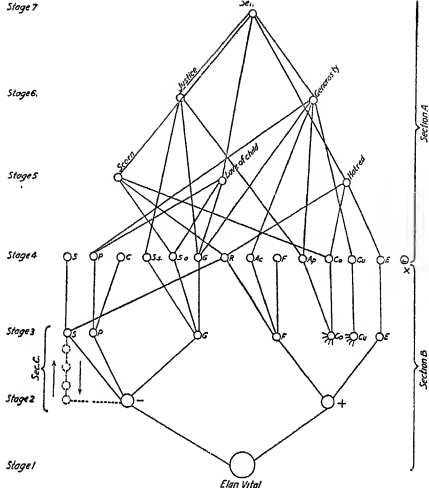
In the last section of this paper we have to consider the application of our theory of regression to practical life. If regression is a mental disease, and if we have diagnosed the cause of the disease aright, then we should be in a position to suggest a cure for the malady. Now, so long as we are wedded to instincts, and so long as we hold that it is good to have needs and to satisfy them, then so long will regression dog our foot-steps. If it is maintained that the instincts and their emotions are our cherished possessions, then we cannot escape the fangs of regression. It may be contended with great show of reason that instincts and emotions may be sublimated, and that the energy of the undesirable instincts may be diverted into socially

acceptable channels. But so long as we retain (in our mental structure) the fourteen fundamental propensities, so long the danger of our mind sliding down the scale to its primitive condition will persist. We may form noble sentiments into which these propensities and emotions may be gathered up. But the question is, can we keep our minds at the highest sentimentative level without letting it come down to the level of instincts? No, we cannot. Highly cultured persons keep a firm control only over the outward expressions of their emotions, while inwardly they boil with rage or quake with fear. Even great spiritual leaders have been known to weep and to lose their temper. Further, while the conscious mind is soaring high, building noble sentiments out of the primitive instincts and their emotions, the unconscious mind is sinking deep pulling them down, and producing unhealthy complexes out of them. So long as the McDougallian instincts are in possession of our mind, there is danger of the Freudian complexes disputing the possession and winning in the end. The only way of escape is through the complete annihilation of these instincts and emotions. How is this annihilation to be achieved? Hindu psychology points the way to our goal. The process of sentiment formation should be so directed as to lift the mind to higher and higher levels, until the individual mind is merged in the cosmic mind, and loses its individuality completely. It is only when the jivatman is dissolved in Paramatman that the former will escape the dangers of regression.

Conclusion

We have indicated in the first instance the general scope of the sway of regression over the human mind, and have pointed out the need for correctly diagnosing its cause and suggesting a suitable remedy. The neurological and biological theories of regression have been surveyed and dismissed as being inadequate for our purposes. A hormic

theory of regression has been constructed, and it was shown how this theory, which is evolutionary in essence, needs to be extended. Reasons have been suggested for McDougall's inability to perceive the implications of his own psychological theory in regard to regression. The psycho-analytic theory of regression was stated, and it was shown how McDougall's theory requires supplementation by Freud's. But there is a gap between the two which must be filled before they can be synthesised. This gap has been bridged by indicating how the plurality of McDougallian instincts may be conceived as having evolved according to the Spencerian formula from the *elan vital*. Freud's and McDougall's theories of regression have been shown in their proper relationship. And finally the suggestion has been thrown out that regression may be arrested only by the complete annihilation of instincts through the final dissolution of the individual mind in the Cosmic Mind.



Schematic Representation of the Evolution of Dynamic Mental Structure

(S=Sex, P=Parental Instinct, C=Constructivity, Ss=Self-Submission, Sa=Self-Assertion, G=Gregariousness, R=Repulsion, Ac=Acquisitiveness, F=Food-seeking, Ap=Appeal, Co=Combat, Cu=Curiosity, E=Escape, L=Laughter. Laughter has been eliminated, because it is not instinctive in the true hormic sense)

The diagram represents the evolution (and Regression) of mental structure from the instinctual matrix (or *elan vital*) through seven stages up to the highly cultured self. Section A represents McDougall's conception, Section C represents Freud's conception, and Section B is our contribution.

McDougall starts at stage 4 (not stage 1)—the stage of 14 fundamental instincts, and takes us through stage 5 (of concrete sentiments), and stage 6 (of abstract sentiments) to the organised self. Only a few samples of sentiments at each stage, have been chosen for inclusion in the diagram. Freud is pre-occupied with sex (Section C) and its evolution and regression along the directions of the arrows shown in the diagram. Stages 3, and 2 represent the levels of evolution through which the McDougallian instincts have passed. Regression then is not only regression from stage

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HINDI SECTION

WAS BIRSINGH DEO BUNDELA A "BANDIT" AND "TREACHEROUS" MURDERER OF ABUL FAZL ?

BY

MR. RAM PRASAD NAYAK, M.A

Birsingh Bundela¹ was the youngest son of Madhukar Shah of Orchha in Bundelkhand. The incident with which we are concerned here relates to the time of Akbar, i.e., 1602 A.D.² In order to deal with the subject in question it is necessary to refer to the authentic histories written on Akbar. Dr V. A. Smith and Frederick Augustus, Count of Noer, are recognised as high authorities by all.

These writers as well as most of the persons who made research on the subject have accused Birsingh Deo as a treacherous murderer of Shaikh Abul Fazl. There might be some difference in the degree they accuse but it goes without conflict that they at least agree that the

¹ In Persian works he is named as Narsingh Bundela or Bar Singh Bundela.

² *Akbar*, Dr. Smith, page 305 . . . , August 12, 1602, "the minister was attacked, . . ."

Akbar, Frederick Augustus, page 392, . . . "Not on 7th Rabi 1, 1010 H. but 4th Rabi 1, 1011 H. was Abul Fazl murdered."

History of Jahangir, Dr. Beni Prasad, page 51, Date not given.

By Bimoda (Hindi), II, page 183, 1st Rabi 1, 1011 H, V E. 1659 Bhadra Shukla 3 A. D. 1602, 21 August.

action of Birsingh Deo Bundela in this connection was not free from treachery³

It may be pointed out here that Dr. Smith, Frederick Augustus and other historians have relied upon Persian historians only. They have not taken into consideration the works written in Hindi concerning the subject either, because such works were unknown to them or they were under the impression that such books carried no historical value.⁴

Dr. Smith seems to rely on Asad Beg because he thinks Asad Beg "made special inquiry into the circumstances"⁵ relating to the murder of Abul Fazl. Asad Beg has, no doubt, given a detailed account on the subject, which will be dealt with elsewhere, but he does not mention anywhere about his appointment on the special duty to enquire the circumstances that led to the Shaikh's death. It was conveyed to the Emperor in definite terms that Birsingh Deo, at the instigation of Prince Salim, was the cause of his Minister's death. He therefore entrusted some of his trusted officials to punish the Bundela. They accordingly besieged Birsingh at Irich. But Birsingh Deo managed to escape. When this news reached the Emperor and the responsibility for the negligence could not be fixed on any particular person, he put Asad Beg on special duty. Thus the appointment of Asad Beg was not connected with Abul Fazl's death but to find out the circumstances which led to the escape of the Bundela. Dr. Smith is probably mistaken in thinking this appointment as one relating to Shaikh's death.

³ *History of Jahangir* Dr. Beni Prasad, page 54 ". . . . dastardly murder"

History of Mughal Rule in India, Dr. Ishwari Prasad p 381.

⁴ *History of Jahangir* Dr. Beni Prasad, footnote No 16, page 51 "The great Hindi poet Keshava Das's *Bir Singh Deo Chauritra* is of little value from the point of view of Political History."

⁵ *Akbar*, Dr. Smith, page 305.

As regards Augustus suffice it to say that he gives little as his own but has simply quoted some passages from *Tuzuk* and some from *Takmila-i-Akbar Nama* and some from "Wikaya" Asad Beg to complete the story relating to the so-called murder of the Shaikh. It therefore follows that the sources of information of the two authors named above do not go beyond what is said in the three Persian works.

Coming to the works in Hindi we find *Birsingh Deo Charitra* written by Keshava Das. This book chiefly describes the life, character and achievements of Birsingh Deo. Consequently it is to be seen under what circumstances a man of the character of Birsingh Deo could have committed a murder, if at all, of the nature described by the Persian writers, and how far the statements against him hold good.

Keshava Das wrote *Birsingh Deo Charitra* in Samvat 1664 V.E. (1607 A.D.). While narrating the life of Birsingh Deo he also gives the circumstances under which the Shaikh lost his life.⁶ Madhukar Shah Bundela entrusted his kingdom to his eldest son Ram Shah and gave separate jagirs to the other seven sons. Birsingh was the youngest and he got Barouni as his jagir where he had to fight for taking possession over it. Subsequently he raised an insurrection in which he was assisted by his brother Indrajit; and added to his estate Pawain, Berchha, Karhara, Hathnaura, Irich of the Mughal territory. Hasan Khan got afraid of him and left Bhaner.⁷ Thereupon Akbar despatched Askaran against Birsingh Deo. Ram Shah went to the side of Askaran, but they failed in their joint efforts to defeat Birsingh Deo. Two further attempts were subsequently made under the orders of the Emperor but they met the same fate. In the last attempt Ram

⁶ *Bir Singh Deo Charitra Prakash, V*

⁷ *Bir Singh Deo Charitra Prakash, III*

Shah asked his brother Birsingh Deo, that if the latter could leave Barouni even for two days, the former would be able to raise the siege. As Birsingh Deo had no confidence in his brother, he did not agree to this but, on being persuaded by his family priest and other persons, vacated Barouni. Ram Shah and Raj Singh entered Barouni and there arose a dispute between the two for Barouni. Birsingh Deo availed of it and entered into Barouni, but was attacked in the early morning when his army was still asleep.⁸

Birsingh had lost confidence in his brother Ram Shah for whom he had a great regard. His another brother Indrajit had left him and joined Ram Shah Akbar the Emperor was his enemy. The feelings between the Emperor and Birsingh Deo had become very intense because Birsingh did not accept the *Farman*⁹ sent by Akbar. These being the circumstances Birsingh Deo had not only apprehensions of losing his territory but also of his own life. He eagerly wished for some help from outside. At this time Salim revolted at Prayag against his father. This suggested a good opportunity for Birsingh Deo to join hands with Salim. He accordingly proceeded towards Prayag and met at Abichhetra with Syed Muzzaffar to whom he mentioned all his intentions. The said Syed gave him assurance that he would be received by Salim as a trusted friend and accompanied him. The party arrived at Prayag and had an interview with Salim with the help of Sharif Khan. Birsingh Deo was given a hearty reception and valuable presents. During the stay at Prayag Salim told him that Abul Fazl was his greatest enemy because he had poisoned the ears of his father and created dissensions. He also said that the Emperor wanted to see the Shaikh in connection with his revolt; and if

⁸ *Birsingh Deo Charitra Parakash, IV*

⁹ *Birsingh Deo Charitra Parakash, V*

Abul Fazl could see the Emperor he would undoubtedly bring calamity on Salim. So Salim wished that Shaikh should either be killed or arrested on the way which lay through Bundela territory. It is here significant to note that Birsingh Deo entreated Salim to pardon the Shaikh as the relation between them was that of a master and a servant. But at last Salim prevailed on him and girded his own sword round the waist of Birsingh Deo, presented a horse, Saropa and sent him off with Syed Muzzaffar to prevent the Shaikh in the way. The meeting between the Prince and the Bundela was kept secret.

Birsingh Deo returned to his territory and deputed spies to keep him informed of the Shaikh's march towards the capital. Accordingly he was informed that Abul Fazl had left Narwar and was encamped at Paraich.¹⁰ Thereupon Birsingh Deo with his party crossed the river Sindh to meet Abul Fazl. Abul Fazl with his party started from Paraich and heard, in the way, that Birsingh Deo Bundela was also proceeding to attack him. Abul Fazl therefore stopped there to face the Bundelas. The fighting ensued. Realising the gravity of the situation a certain Pathan persuaded the Shaikh to escape from the battlefield because it was not expedient for him to fight with the Bundelas when his presence at the capital was so urgently needed by the Emperor. It is worth mentioning here that there arose a discussion between the Pathan and Abul Fazl. The Pathan advised him to attack Salim and his party later with a larger force if he so intended. But Abul Fazl being puffed up with his conquests in the Deccan thought it below his dignity to fly away from the battle that was to be fought with the Hindoos. He exhibited his remarkable valour but received a shot¹¹ on his chest and fell down from his horse. Birsingh went to him with a feeling of

¹⁰ Innayat Ullah calls the place as "Sarai Banga," Asad Beg "Sarai Berar."

¹¹ *Asad Beg*, Elliot VI page 159,—struck with a spear.

joy mingled with sorrow¹² The battle thus terminated and the Bundela party returned to Barouni with the head of the deceased Shaikh which was sent to Salim at Prayag through Champat Rai Badgujar

Now let us see one by one what the Persian authors have said on the subject. Innayat Ullah, the author of the *Takmilā-i-Akbar Nama*, says that Abul Fazl was recommended by his friends "to retire for protection to Rai Rayan and Raja Rai Singh, who were with 2,000 horses at Antari, a distance of only two kos" But the Shaikh, whose hour of death was at hand, and the gem of whose discrimination had therefore grown dull, only replied "The fear of death is vain, for its period cannot be deferred" Abul Fazl therefore continued his journey onward and the Bundelas attacked him and "placed their rough hands upon his collar and slew him with his attendants" Thus Inayat Ullah gives no details of the circumstances that led to the loss of the life of Shaikh Abul Fazl. Consequently the accounts given by him are of little help to elucidate the point in issue.

Jahangir mentions this incident in somewhat more details. He admits that he wanted to prevent the learned minister from meeting the Emperor in his own interest and he therefore negotiated with Birsingh Deo and promised him high prospects in case he was successful in carrying out his wishes According to him Birsingh Deo's "country lay on the high road of the Shaikh from the Dakhn" and "the Shaikh passed through his territory, the Raja closed upon him and his followers They were in a short time put to flight, and he himself murdered His head was sent to me at Allahabad."¹³

¹² *Asad Beg*, Elliot, VI page 159 " . . in a compassionate mood . . . "

¹³ Elliot, VI.

Asad Beg's description about the incident and the preceding circumstances, no doubt, as Dr V A Smith says, surpasses in detail both the other Persian writers. He says that Abul Fazl and his associates had learnt from their own men even in the Deccan that Salim had already arranged with Birsingh Deo to prevent him in the way and that there were apprehensions of still more serious happenings. Birsingh Deo was invading Moghal territories and had turned hostile to the Moghals. When he reached Sironj, Asad Beg requested that he might be allowed to escort him up to Gwalior as the treachery was apprehended. Abul Fazl did not agree to his proposal and leaving Asad Beg to look after Malwa, proceeded on his way with an inadequate body of recruits. At Sarai Berar he courteously dismissed about more than 250 horsemen who were sent by the jagirdars to attend upon him. He further dismissed a fakir also who informed him of the intending attack by Birsingh Deo. Early in the morning when Abul Fazl had started with a small number of his attendants, beating of drums were heard at a distance. Muhammad Muhasin left the party to reconnoitre the enemy. He soon returned to the Shaikh and advised him to ride faster so that they might escape from the enemy assault. But the Shaikh did not listen to him. It may also be mentioned here that one Gadai Khan actually caught hold of the reins of the horse that he was riding on and entreated Abul Fazl to avoid the encounter as he was on a more important mission, namely, to see the Emperor. Abul Fazl again adhered to his own views and decided to meet the Bundelas headed by Birsingh Deo. The Rajputs assaulted his

Tuzuk, Rogers and Beveridge, p 25—" . . . the Raja blocked his road, and after a little contest scattered his men and killed him," which at best means that Birsingh Deo being at the head of the assailants got Abul Fazl killed inasmuch as the original *Tuzuk* does not specifically mention that Birsingh Deo himself put Abul Fazl to death.

party and the Shaikh was transfixed with a spear Abul Fazl made an attempt to cross a small stream that lay in his way but before he could do so, he fell down from his horse and Birsingh, being informed of it, went to his side, communicated the *Farman* of Prince Salim to him and promised to take him alive to Salim. Abul Fazl exhibited an arrogant look. While this talk was going on between Birsingh and the Shaikh, one Jabbar killed several Rajputs and made an attempt to assault Birsingh Deo also. It was at this critical moment that a Rajput attendant beheaded the Shaikh ¹⁴

Thus we have seen what Inayat Ullah and Asad Beg on one side and Jahangir and Keshavadas on the other have said about the incident. As prejudices are but natural the statements made by one side should be read with great caution so that one may not be led away by them specially where one party differs from the other in narrating a particular point.

Leaving aside where they all or at least majority of them make one statement we have certain other points which need comment. Before entering into such points it seems rather necessary to have a critical bird's eye-view of Birsingh Deo's character. According to *Birsingh Deo Charitra*, Birsingh Deo ranks in bravery and character so high as Mansingh Kachhwah and Amarsingh. He was possessed of all virtues befitting a Rajput. He was brave, generous, compassionate, merciful and true to his words. His behaviour towards his friends and foes both was always gentle and courteous. In short he was

¹⁴ *Asad Beg* Elliot VI, p 160.

History of Jehangir Dr Beni Prasad page, 53 " Birsingh rose from the Shaikh's head and signed to his followers to despatch the helpless man " while in Elliot VI, 160 " Birsingh then rose from the Shaikh's head and his attendant despatched him . " The source of information regarding the above statement that " Birsingh . . . signed to his followers .. " is not known.

a perfect ideal gentleman Jehangir also, while speaking about the character of Birsingh Deo, reserves none of these attributes¹⁵. He holds Birsingh in high esteem. Innayat Ullah and Asad Beg do not say anything that may go against his character. They have, however, described this particular action concerning Abul Fazl's death as "hired" or "treacherous." But this instead of throwing any reflection on his character stands as a proof for his being a man of principles and good morality.

Now we have to see how a man of such a noble and charitable disposition should have resorted to an action as the one in question. It should not be forgotten that in those days it was common with the Rajputs to continue guerrilla warfare. Jehangir was aware that Birsingh Deo was on his plundering expedition near about the territory Abul Fazl was to pass. He therefore entered into negotiations with him, and requested him to prevent Abul Fazl from seeing the Emperor. Birsingh Deo according to Keshava was at this particular time in a critical position. Ramshah his eldest brother had already made an alliance with the Moghals and his other brother Indrajit also followed him. He was therefore not only forsaken by his brothers but had also to fight with them within his own land. This made him anxious to seek help from outside. Salim had revolted against his father at this time. Naturally therefore Birsingh Deo was prompted to side with Salim. Thus both Birsingh Deo on his part and Salim on his stood in need of each other's help. It was probably on this account that Salim thought that he took the initiative¹⁶ while Keshava thinks that Birsingh took the initiative¹⁷ in the union so brought about. Suffice it to say that Birsingh had no

¹⁵ *Tuzuk*, Rogers, page 24.

¹⁶ *Tuzuk*, Rogers, page 25

¹⁷ *Birsingh Deo Charitra Prakash V.*

remedy, but to join hands with Salim for which he in the circumstances was perfectly justified.

As regards his unchallenged assault on Abul Fazl and his attendants there are two points worth consideration. Abul Fazl's way lay through the territory of Birsingh Deo. Abul Fazl could have no right, specially when he knew that Biri Singh Deo was on his "plundering expedition," to pass through the hostile country. It was rather Abul Fazl himself who deliberately offered a cause of action to Birsingh, and if he assaulted him, it was no fault of his (Birsingh Deo's). The other thing was that Birsingh, as has already been said, could not be supposed to attack him after a challenge when the Rajputs in general and Birsingh in particular carried on a guerrilla¹⁸ type of warfare. There can be no denial of the fact that Birsingh Deo wanted to oblige Salim and gain his favour, but it does not amount to call him as "hired."¹⁹ Friend's and allies have always been helping each other without lowering their prestige and honour. It therefore seems very hard if not quite unjust to address him as "hired." Similarly he cannot be called a murderer also. The Sheikh deliberately passed through his territory, fought valiantly and died a-fighting at the hands of a declared enemy. It is simply astonishing why the success of Birsingh Deo instead of exalting his position as a brave warrior brings to him discredit and this dishonourable epithet of murderer, when similar instances are but common in every warfare.

Birsingh Deo has been called "The Bundela Chief-tain of Orchha" and also "the Bandit Chief" by Dr. Smith²⁰. Birsingh Deo was no doubt an enterprising youth, ambitious to extend his territory. He had devoted his heart and soul to snatch away the territories that had fallen in the hands of his opponents, who were much stronger

¹⁸ *History of Jahangir*, Dr Beni Prasad, page 54

¹⁹ *Hist of Muslim Rule in India*, Dr Ishwan Prasad, page 381, Du Jarric (t) page 183

²⁰ *Akbar*, Dr Smith, page 305.

than himself. Therefore he had to continue a sort of war that suited him according to the fashion of those days. He was consequently not a bandit. His aims and objects were not those of a robber or highwayman who plunders and loots for amassing wealth and lead a nomad life. Birsingh was the owner in possession of a territory belonging to his forefathers and as such it was but natural for him to be ambitious to have it extended. Had he been a robber, a highwayman, as Dr Smith calls him, Prince Salim would not have rewarded him with such an honour and promotion as that of a Mansabdar of 3,000 ²¹

Coming to the scene of the Shaikh's death we find that even Asad Beg makes Birsingh stand by the side of the Shaikh with a compassionate feeling. None accuses Birsingh as the person who killed Abul Fazl. Birsingh Deo having come to know that the Shaikh was transfixed and had fallen down from his horse, took him in his lap and communicated the *Farman* of Salim but Abul Fazl showed arrogance. Birsingh still does nothing against the Shaikh, but as a man of Abul Fazl's party was about to attack him Abul Fazl was beheaded by Birsingh Deo's attendant, probably to save the life of Birsingh Deo. It may be noted here that *Birsingh Deo Charitra* does not enter into the details of this scene. It however corroborates the statement of Asad Beg that Birsingh Deo approached the Shaikh with a feeling of joy mingled with sorrow. Innayat Ullah finishes the story simply by saying "the Rajputs caught him by the collar and slew him."

From the foregoing descriptions it can hardly be believed that Birsingh Deo intended to put the Shaikh to death. He would not have felt sorrow, if he had any such motive within himself. His attitude and behaviour towards the friend and Minister of such a big enemy as the Emperor Akbar indicate a very high sense of nobility and ideal character on the part of Birsingh Deo.

²¹ *Tuzuk*, Rogers, page 24.

Innayat Ullah like the other men of his party seems to have felt a great annoyance, as a result of which he says that Birsingh Deo "laid an ambuscade on his way" on Abul Fazl. But none supports him, while all others agree that the Shaikh fell while fighting and was beheaded subsequently. Thus we see that neither Birsingh Deo nor any particular action of his can in any way be impeached for such thing as treachery.

In this connection it seems relevant to make it clear that Birsingh Deo himself did not kill the Shaikh. Firstly, because none of the Persian writers say so; secondly, because Keshavadas is also silent on this point. He is the hero of *Birsingh Deo Charitra* and Keshava would not have omitted in any case the bravery of his hero had he (Birsingh) himself put such a great enemy to death in the battlefield. May it be anybody who killed him, Abul Fazl died while he was fighting and so even the action of killing him was not that of a treachery.

As for *Birsingh Deo Charitra* it is to a great extent supported by "Wikaya" of Asad Beg and the character of Birsingh Deo as depicted therein by Keshavadas holds good even when compared with other Persian writers. The poetical form of *Birsingh Deo Charitra* does not disqualify it from being used for historical purposes. *Shahnama* of Isami, *Tughlak Nama* of Khusrô and such other works in Persian have been freely used as legitimate sources of information.

PERSIAN INFLUENCE ON HINDI
A New Approach to Indo-Persian Linguistic and
Cultural History

BY

MALIK HARDEV BAHRI, M. A., M. O. L., SHASTRI

SCHEME

- I. Historical Introduction
- II. The Nature of Influence
- III. Vocabulary
 - (1) Substantives
 - (i) Religious Terms
 - (ii) Articles of Common Use
 - a Clothes b Utensils c. Ornaments d Meals
 - e Fruits f. Sweets and Drinks g Furniture
 - h. Toilets
 - (iii) Professional Terms
 - Concerning a. Barber b. Tailor c. Draper and
 - Confectioner d Mason-carpenter e Horseman
 - f. Executioner and Butcher
 - (iv) Sciences and Arts
 - a. Medicine b. Painting c Music d. Crafts
 - (v) Administrative Terms
 - (vi) Educational Terms
 - (vii) Games and Sports
 - (viii) Miscellaneous
 - (ix) Analogical Formations, including also Hybrids and Fragmentary words.
 - (2) Other Parts of Speech
 - (i) Adjectives (ii) Verbs (iii) Adverbs (iv) Other
 - Indeclinables (v) Pronouns

IV. Grammar

V. Phonetics

VI. Phrases and Idioms

Appendix A—A list of synonymous Words from Persian and Indo-Aryan

Appendix B—Semantic Changes of Persian Loans

Appendix C—Bibliography

I. Historical Introduction

The Iranian Language was a sister of the Old Indo-Aryan. The linguistic affinities between the *R̥gveda* and the *Zendavesta* have clearly indicated that the two languages came of a common stock. But the development of these languages having been independent, the differences became so wide that between modern Persian and NIA diversity is more prominent than unity. Persian, as conveyed to India by the Turanians and as represented in Classical literature, is largely Semitic in vocabulary though decidedly Aryan in structure. Indian Persian, which remained the Court language for centuries under the Muslim Rule, and which is preserved in the Indian lexicons of the times, is a mixture of Iranian, Arabic, Turkish and Turanian. It may be mentioned at once that Arabic never reached India direct, and that even the term "Arab Conquest of India" is a misnomer. The historians, perhaps, forget that neither the *Arabs* ever conquered India nor was the mainland of *India* conquered by them or their agents.

The so-called Arab conquest was made by Persian soldiers under Mohammad-bin-Qasim, who was born and brought up in Mekian, the easternmost province of the Caliphate on the Persian coast, whose governors, even before 712 A.D., had been fighting with the Indians across the frontier.¹ The fact is supported by Muslim travellers who visited India and wrote about Sind during the 8th century. Elliot says that the Arabs merely imitated the policy of the Romans who employed provincial mercenaries from motives of expediency and that the Arabian armies consisted of

¹K. B. Shams-ul-Ulema M. Mohd. Zaka-ullah's *Tarikh-i-Hind* (Urdu), Part I (3rd edition), p. 186.

Persians, Turks, Mongols, Tartars, Syrians and others.² S Lane-Poole's verdict is very definite. He wants us to "dismiss any idea of Arabian influence in India," and states that "the Mohammadan conquerors were not Arabs"³

It may be contended that from the names of officers and courtiers in Sind and Multan as given in the travellers' accounts, it is evident that many an Arab family had settled here and influenced the language of the land. Ibn Haukal explicitly mentions that he heard Arabic and Sindhi spoken in Sind. In this connection it has to be remembered that the conquerors lived "chiefly in cities of their own construction and cultivated no friendly relations with the natives",⁴ that Muslims in Persia, Turan and other countries had assumed Arabic names which included the names of their fathers, and that we should not be misled by the phraseology of names. On the other hand it is stated that even in the six military towns of the settlers Persian and Sindhi teachers imparted education to the children of the officers.⁵ Persian had been recognized to be the official language of Persia and Arabian India.⁶ If Arabic was at all spoken, it was to be found only in the advanced society and among the members of a few Arab families. The common people were concerned with general administration which was exclusively in the hands of Brahmans. The conquerors were liberal and they allowed old customs, old institutions and old policies to continue. It would be, therefore, too much to expect any vast influence even of Persian, not to speak of Arabic, on the language of the people. The early Muslim settlers left no effect on the

² *History of India by Its Own Historians*, Vol. I—Elliot.

³ *Mediæval India*, 1912 edition, p. 4. Also vide *Tamaddun-i-Hind* (p. 312)—S. U. Dr. Sayyad Ali Bilgrami.

⁴ Elliot—*Ibid.* p. 463

⁵ K. B. Shams-ul-ulma M. Mohd. Zaka-ullah, Vol. I, p. 30.

⁶ Elliot—*Ibid.*

language or culture of India. They, in fact, derived much benefit from the culture and learning of the Indians.

Anyhow, Arabic influenced Indo-Aryan through Persian alone, and for us Arabic words are also Persian through which they came to India. The absence of the Arabic pleonastic proclitic 'al-', even in the religious terms which were, of course, the first to be introduced, further shows that the Arabic words were taught to us by the Persians. Compare

रब, God, कुरआन, the Holy Book, रसूल, the Prophet, ईमान, faith and other words.⁷

The word 'Hindi' itself is Persian.

This point, however, need not detain us any longer, as the Hindi tract was too far off from Sindh and Multan, and as Hindi itself was not yet even conceived. It is for a student of Prākṛit or Piśāca to discover the Arabo-Persian influences on contemporary Middle Indo-Aryan.

The real issue evolves with the rise of Delhi Sultanate in the 13th century. We can easily dismiss the times of the Ghaznavid kings of the Punjab and Shahab-ud-din Mohammad Ghori. Literary works are not to be depended on as they are the most dangerous guides to the language of the people. Chand's *Rāsau* contains quite a large number of Persian words. Of these, no doubt, the most numerous are the words which were, perhaps, introduced much earlier. Chand belonged to the Punjab, where the Muslim missionaries had been preaching Islam since the Arab Conquest of Sind. Such words as साहब, गुनह, दीन, काफर, गाजी, तस्वी, हजरत, रहमान had certainly become popular under the influence of the Muslim religion which was the foremost concern of the Ghaznavid kings of the Punjab. सुरतान, तेग, निसान, हरम, हुकम, महल, साहि, दरबार, असवार, पेचकसी, फुरमान, सुकाम, जेर, गुर्ज, and a pretty good number of other administrative

⁷ The Arabic 'Algebra', 'Alkali', 'Alcohol', etc. are recent loans from English.

and military words must, also, have spread, especially in the cities. But we are doubtful whether the hundreds of words in the *Rāṣau*, which are still uncommon, were understood by the people. Chand was a poet, soldier, traveller, ambassador and a man of high culture and attainments. His work, therefore, is not the true index of the speech of those times. The same can be said about later poets like Kabir, Nanak, Tulsī, Bihārī, Gang, Bhushan and other literary writers. They had travelled far and mixed with various types of persons, and their language was not the Hindi of the Hindi people. In the absence of any records we are unable to sift common words from the Persian vocabularies of the Hindi writers, although we can just sound the increasing depth of Persian influence on Hindi. Some scholars would do well to prepare concordances of Persian words in the literary works of the early and mediæval writers. Then, perhaps, it may be possible to obtain any useful results.

The Pathan period, as the time of the Delhi Sultans is called, was not quite favourable to the growth of Persian influence on the languages of India. It was a period of suspicion, dread and violation. None of the Sultans ever tried to win the hearts of the people. Their administration was military in character and civil institutions were still governed by the native officers. Their policy was destructive rather than constructive. The majority of Delhi Sultans were never keen about Persian language or literature. Many of their coins had legends in Nāgarī script, and there are evidences to show that they liberally patronized Hindi in India.⁸ We definitely know that the Lodhī Pathan kings discarded the use of Persian. That also accounts partially for the growth of Indian vernaculars and literatures. The Indian women in the households of the early Turks, who married in India, exercised a potent influence on the speech of the later generations

⁸ Vide "मुसलमानों की हिन्दी सेवा" by Kamallesh, pp 4 ff.

Still we have to bear in mind the conversions, Turanian immigrations and Turkish settlements, along with the desire of the 'Indians to learn the language of the court, and the keenness of the Muslims to spread the 'cultured language' of the times. We find, for instance, AMU KHUSRO teaching Persian to his readers in the *Khālīqārī* —

रसूल पैशम्वर जान बसीठ । यार दोस्त बोलै जो ईठ ॥
 मर्द मनस ज्ञान है इस्तरी । कहत अकाल बवा है मरी ॥
 बिया बिरादर आव रे भाई । बिनशीं मादर बैठ री 'भाई ॥
 तुरा बगुप्तम मैं तुफ कहा । कुजा बिमादी तू कित रखा ॥
 राह तरीक सबील पहचान । अर्थ तिहू का मारग जान ॥

Popular poetry also helped the growth of Persian words and expressions in the vocabularies of the common people.

There are reasons for thinking that Hindi learnt most from Persian during the Mughal period, when, as opposed to the military occupation under the Delhi Sultans, there was peaceful civil administration, when Hindus and Muslims freely mixed with one another, when Persian became the court language, when all Government records were prepared in Persian, when annal-writers, Hindus as well as Muslims, moved about the country and wrote their reports for the central government in Persian and when Persian language was actually taught in schools and religious places. The Mughal kings liberally patronized Persian and Hindi. Hindi and Persian poets lived together and wrote together.

One is sometimes led to think that at this time Persian was, perhaps, more zealously studied and known in India than in Persia itself. There have been famous Indian historians, translators, philosophers, poets, lexicographers and religious leaders—Hindus and Muslims—who freely and masterfully wrote in Persian. The number of readers of this copious literature was not small. We

hear of libraries and maktibs, reciters and scholars, and educational centres and institutions.

Since those times the influence of Persian language has continued without any break till to-day. It has been the court language until 'yesterday'. It is still mixed with Hindi in the form of Urdu which, I would say, is but another name of modern Indian Persian. It is a beloved subject of studies with a number of castes even among Hindus. Kayasthas, for instance, have been cherishing it as an important element of their culture. It is patronized by thousands of Hindi-speaking boys and girls in schools and colleges. Persian poets are not yet very rare in India.

II. The Nature of Influence

Dr. S. K. Chatterjee⁹ thinks that Persian influence on NIA has been mainly lexical. In fact we should not expect any other elements as the structure of Hindi had already been complete by the time Persian could exercise any really strong linguistic influences. Still, 'as shown above, Persian has been the cherished language, especially of the cultured classes, in India for centuries, and we shall see below that, although lexical influence is predominant, modern Hindi does contain certain grammatical and phonological features which can be traced to Persian alone.

The History of Persian loan-words in Hindi is, perhaps, unparalleled in the linguistic world. Jespersen believes that it is rare for a language to borrow particles, pronouns or verbs.¹⁰ The loan-words, according to him, are full words, i.e., words which express complete ideas, viz., substantives and adjectives. But we shall see that the

⁹ Development of Bengali Language (*D.B.L.*), § 117.

¹⁰ Jespersen, *Language*, p. 211.

Persian loans in Hindi include not only nouns and adjectives but also prefixes, suffixes, adverbs, conjunctions, interjections and verbs besides fragmentary words which are quite numerous

It has been asserted that "when a word is borrowed it is not, as a rule, taken over with the elaborate flexion which may belong to it in its original home, as a rule, one form only is adopted . . ."¹¹ We shall, however, note the exception offered by Persian loan-words. Hindi has adopted, in some cases, the principles of number and gender from Persian. The formation of nouns from adjectives and infinitives is, in some instances, taken from Persian. The growth of analytical tendencies in Hindi is also considered to have been influenced, to some extent, by Persian structure. Anyhow, Persian loans in Hindi are not all crude forms¹²

Persian loan-words in Hindi may be divided into five groups—

(1) Words which were absorbed by our language at one time or the other but have now become extinct, archaic or obsolete

(2) Words and phrases which were translated from Persian, as we are doing to-day from English.

(3) Words which have become the property of the Hindi language and which it is almost impossible to replace by NIA. They are, so to say, full-fledged domiciled 'citizens' enjoying all the rights in the linguistic Hindi 'State.'

(4) Words which are, indeed, commonly used in Hindi, but which are still foreign in the eyes of the national 'State' and which are easily replaceable by the aboriginal group.

¹¹ Jespersen, *Ibid.*, p. 213.

¹² Cf. B. R. Saksena, "Persian Loan-words in the Ramayan of Tulsidas," *Allahabad University Studies*, 1925. He states that Persian Loan-words in the Ramayan are all crude.

(5) Words which have no right to be here as they are not commonly understood and which are employed, quite to the detriment of the 'State,' by certain masters who are either too 'cosmopolitan' or too unconscious of the unemployment existing in their own linguistic 'State'

The Hindi speakers and scholars need not worry about the class of words in (1) and (5). The former are dead and the latter will die. It is not possible to enumerate translated words. We may just take the instance of मंगनी, betrothal. It is understood that neither the term nor the institution denoted by the term was known before the coming of the Muslims. It is, in fact, not a Samskāra of the Hindus. The institution and the term are Persian and 'khwāstgāī' translated into मंगनी is a matrimonial suit or act of betrothing. It is not easy to find out even such words without historical and linguistic data.

We have to be very watchful about the fourth group. A list of such words is given in Appendix A. The survival or death of such words will, of course, depend on the result of the struggle now going on between the Sanskritized Hindi and the Persianized Urdu.

In the following pages we shall consider mainly those words, full as well as fragmentary, and phrases which are now practically irreplaceable by Indo-Aryan words. In fact it is now impossible to find their exact equivalents in Hindi. They will be discussed under the following heads.—

Vocabulary, including total and fragmentary vocables.

Grammatical Influences

Phonetical Influences

Phrases and Idioms.

It need not be said that Hindi has treated these Persian loans as its own property. It has changed them phonetically and moulded them grammatically whenever

and wherever it could Dr. Babu Ram Saksena¹³ and Dr. S. K. Chatterjee¹⁴ have attempted to explain such changes. The semantic changes that loan-words in Hindi have undergone have not yet attracted the attention of our linguisticians. A short list of such words has been given in Appendix B. But as this part of the study of foreign words is not our concern in this dissertation, we leave it out for future study. We shall discuss the influence of Persian on Hindi, and not of Hindi on Persian in India.

III. Vocabulary¹⁵

All Persian loan-words in Hindi are not the names of new objects or ideas introduced by the Muslims from outside. No doubt many of the words concern the materials brought and used by the aristocratic classes and institutions founded by them. Some words denote objects that were better and more popular than the native ones. Still there are words which are just the new names of the old things and qualities, first used by the literate people in their pedantic or pseudo-pedantic speech and later adopted by the common people. People "very often use foreign words when it would have been perfectly possible to express their ideas by means of native speech material, the reason for going out of one's own language being in some cases the desire to be thought fashionable or refined through interlarding one's speech with foreign words." ¹⁶

Let it be noted that we shall not attempt to exhaust the vocabulary of Persian loan-words in Hindi

¹³ *Allahabad University Studies*, 1925, pp. 65 ff.

¹⁴ *DBL*, Vol. I, pp. 573 ff.

¹⁵ All Persian words are given as they are spelt in Hindi. Compare also the vocabularies of Persian loan-words in Bengali (*DBL*—Chatterjee) and Marathi (*Farasi ka Asar Marathi par*—M. Abdul Haq).

¹⁶ Jespersen, *Language*, p. 210

(1) SUBSTANTIVES

(1) Muslim terms connected with prayers, religious ceremonies and holy places have all been borrowed from Persian Examples—

कुरान	the Holy Book	वुजु	ablutions
कलमा	Holy words	मुसल्ला	a mat
दीन	religion	दुआ	prayer
ईमान	faith	रोज़ा	fast
खुदा	God	रौज़ा	tomb
नबी	Prophet	मसीत, मसजिद	mosque
रसूल	Prophet	इमाम	leader in prayers
पैगम्बर	Prophet	मौलवी	a scholar
बली	saint	मुल्ला	a scholar
ईद	Id festival	फरिश्ता	angel
दशरै	Muharram	खैरात	charity
दरगाह	shrine	न्याज़	holy presents
मन्नत	wish	हज	pilgrimage
शीरीनी	offerings	उथारत	pilgrimage
मुन्नत	circumcision	हाजी	pilgrim
निकाह	marriage	शरा	law
शबरात	a festival etc, etc	बाग	call to prayers

These words are, in a way, technical terms, and they concern the Muslims alone. None of these is used by the non-Muslims in place of Indo-Aryan words and in relation to themselves. The same can be said about two names of the days of the week, namely, **जुम्मा** Friday, and **बुधवार**, Thursday. Both are sacred days for Muslims, who seldom use the Indo-Aryan **शुक्रवार** and **विष्णु** or **बृहस्पत**. Persian **हफ़्ता** for a week or for Saturday is, however, common.

The following are also 'communal' words—

*Muslims use**Hindus use*

खाद्य	सपना	dream
गुसल	स्नान	bath
गुनाह	पाप	sin
गोश्त	मांस	meat
जनाज़ा	अरथी	bier
तकदीर	प्रारब्ध	fate
तावीज	जंतर	amulet
दीदार	दर्शन	sight
नज्मी	ज्योतिषी	astrologer
फकीर	साधु	mendicant
फतवा	व्यवस्था	verdict
बरकत	कृपा	kindness
खानसामा	रसोइया	cook
बहिश्त	स्वर्ग	paradise
दोजख	नरक	hell
मजहब	धर्म	religion
मुबारक	बधाई	congratulations
रोज़ा	व्रत	fast

(11) *Articles of Common Use*

Next in importance are the names of articles of everyday use. Most of these articles are luxuries. The Turanians and Mughal nobles believed in high living, while the Indians, of course, cared for simple living and high thinking.

(a) From the names of clothes it is evident that women had more garments than men. Of course, women have always needed better care and protection. They had साड़ी, धोती, चोली, दुपट्टा, पल्लू and a number of other dresses. But most probably men had just a लंगोटी, loin-cloth, a dhoti धोती,

and अंगरखा <Sk. anga-rakṣakah, a kind of tunic. The Persians introduced a large variety of clothes, especially for men. The fashions of their ladies were not well known outside the harems and, therefore, not popularly adopted परदा veil, curtain, and बुरका veiling gown, were, indeed, commonly seen and used. On the other hand, men adopted कुर्ता shirt, सलवार a pair of trousers, पाजामा a pair of drawers, हज्जरबंद trouser-string, तदमत a loin sheet, फतूही waist-coat, गुलूबंद muffler, कुल्हा a kind of cap, लुगी, a kind of turban and loin sheet, जुराब (Per. jirāb) socks, and शाल shawl. They must have tried to appear like aristocrats from top to toe. The Persian नीमा, a short garment, and जामा a tunic, came to be used at festivals and then at marriages. रुमाल neckkerchief was no longer a big cloth but a small piece used as handkerchief. बगलबंदी a gent's gown, and मिर्जाई a tunic, appear to be Persian words. The latter is from मिर्जा mirza or अमीरज़ादा (amīrṣādah), and it seems that the garment was at first a special distinction of the upper classes.

For want of popular words in Sanskrit literature, we cannot confirm what bedding the Indians had before the advent of the Muslims. But the addition of चादर bed-sheet, तोशक cushion, लिहाफ and रजाई quilt was certainly due to their general use by the Muslim aristocrats. तकिया pillow is just the Persian name of the NIA 'sirhānā' सिरहाना <Sk. शिरोधानम्, but the use of takīās by the Muslims was quite independent. The word तकिया may be easily turned out by सिरहाना. But गावतकिया a cushioned pillow, is irreplaceable. The word रजाई is not available in Persian. It is, perhaps, from 'Razā' a proper name, may be, of some lord. It may be noted that the razāī is more aristocratic than the lihāf.

(b) The following names of utensils are Persian—कूजा a small water pot, सुरही a kind of pitcher, अमखोरा <Per. abkhorah, a big cup, रक़ाबी, तश्तरी, a plate, प्याला a cup, and तंदूर <Per. tanwar, a bakery, oven.

It is not quite astonishing that none of these utensils except the cup, has been able to find favour with Hindu families, who, simple in their diet, had different varieties of utensils and pots for various festivals and ceremonies.

(c) Of the ornaments we borrowed just a few as the following names show :—हमेल < Per. Hamā ? il, a necklace, बाजूबंद an armlet, जजर a chain, पँजेव or पांजेव an anklet. As a matter of fact, the Muslims had not got many varieties to offer India has been, and is even to-day, famous for her jewellery. Our social history shows that Indian women considered ornamentation as a part of their accomplishment. Even men used to wear ornaments in the good old days

(d) The names of meals and dishes present a strange contrast between the lives of the Indo-Aryans and of the foreigners. The Indo-Aryans have tenaciously believed in सात्विक भोजन, simple vegetarian diet, as the best form of food. But now कोरमा, कोफ़ता, कबाब, शोरबा, कलिया, जरदा, अखनी (Per. Yakhanī), पुलाव and a large number of other dishes prepared from meat came to be introduced. With these preparations आचार pickles, पनीर cheese, मुरब्बा jam, मसाला spices, were also essential गुलाब rose water, रूई essence, बेद मुश्क, and a host of other necessities were needed with these dishes and with 'pulao', फिरनी and हलुवा puddings

(e) A variety of fruits, dried and fresh, now of course grown in India itself, was imported by the Muslim aristocrats of the middle ages, as is clear by the names मेवा fruit or dry fruit, or dried grape नौजा < Per. lauj, and chalgozah a nut, किशमिश currants, पिस्ता pistachio, बादाम almond, मुनक्का a variety of currants, etc., etc. With these may be considered the Persian loans

तूत, शहतूत	mulberry	अनार	pomegranate
सेब	apple	अजीर	fig
शफ़तालू, बीही	kinds of peach	अमरूद	guava
नारंगी	orange	आलूबुखारा	plum, etc.

The Indo-Aryans were, no doubt, extremely fond of fruits. We know that R̥ishīs and Brahmachārīs lived on fruit and raw vegetables and roots. Continued use or disuse of many a fruit must have caused the survival of some and the death of other varieties. It is not that the Indians cultivated or used only आम mango, केला banana, नाशपाती pear, आड़ू peach, नाखिल cocoanut, and some others that we now find in the modern market. It is clear that the Persians, fond as they were of their 'home' products, introduced a jolly good number and quality of fruits in the Indian diet. It is possible that the names of some fruits were changed.

Among the vegetables सबजी 01 तरकारी (Per. loans), we have from Persian our शलजम turnip, चुकंदर beet-root, पोदीना mint, कुल्फा, काशनी a potherb, प्याज onion, तरबूज melon, गाजर carrot, etc.

(f) We cannot but remark that, as language reveals to us, "Eat, drink and be merry, for to-morrow we die", was the ideal of aristocratic life, especially during the peaceful Mughal times when the foreign nobility was literally degenerated. Even earlier than this, *i.e.*, under the Delhi Sultanate, we hear more of debauches and social wrecks than of any scholars, social leaders, religious reformers or serious thinkers among the upper classes. It is well known that the खानसामाँ cook was actually Per. 'Khān-i-sāmān', 01 lord of the household, a very big title, indeed. The cook was, of course, a grand personality as he played an important part in the life of the nobles. We can fairly imagine how richly the 'dastarkhwāns,' table-cloths, of the mediæval lords were laden with meals, dishes, fruits, vegetables, various kinds of meat preparations, sweets and drinks. जलेबी (Ar. zaliba), समोसा (Per. sambosah), बालूशाही (names of sweets), हलुवा pudding, मलाई (Per. bālā'ī) cream, कुल्फी ice-cream, चाशनी a kind of syrup, शीरा liquid sugar, and even मिर्ची sugar¹⁷ are all Persian preparations.

¹⁷ Indian etymology explains the word with reference to Sk. 'misriya.' It is spelt in Persian as 'misrī' مِسْرِي and is obviously connected with 'misr' or Egypt

With these may also be noted the words शर्बत syrup, शराब wine, शिकजबीन (Per. sirkā-anjabīn) a drink, सिरका vinegar, बरफ ice, हुक्का smoking pipe, पेचवान and फरशी the two fancy types of smoking pipes, तम्बाकू tobacco, कश a puff, etc.

(g) It is easily understood that, when such was the life, aristocracy had to import a large number of articles of furniture. We get the names मेज़ table, कुर्सी chair, तख्त throne, तखता dias, सक् a reed spread, गालीचा rug, फरश a carpet, परदा a curtain, चिक (Turkish 'chig'), a chick, शामियाना or सायबान a canopy, कनात wall of a pavilion, तखतपोश dias cloth, मेजपोश table cloth, पलंगपोश bed spread, and a number of other covers, शमादान lamp-stand, फ़ानूस a kind of lamp, सन्दूक box, etc., etc.

(h) The following additions to our toilet vocabulary have been made by Persian.

शीशा	mirror	सुरमा	a collyrium
सुरक	perfume	साबुन	soap
रूह	essence	खुर्शी	rouge
इत्र	otto	शीशी	phial
हमाम	bath	गुलाब	rose-water, etc.

We have to note that even ऐनक spectacles, is an Arabo-Persian word.

(111) Professional Terms

Professions received several things and words. It is highly useful to compare the existing IA names of professions and imported Persian names. Examples—

Indo-Aryan

ग्वाला	cowheid	किसान	peasant
भटियारा	baker	कुम्हार	potter
तरखान, बढई	carpenter	लोहार	ironsmith
सुनार	goldsmith	चमार	cobbler
भगी	sweeper	नाई	barber
लिलारी	dyer	धोबी	washer

घसियारा	grass-cutter	माली	gardener
पनसारी	grocer	पनवाड़ी	betel-seller
फहार	coolie	मनिहार	glassware merchant
न्यारिया	gold-seeker	मछेरा	fisher
धुनिया	carder	गंधी	perfumer
गवैया	singer	तेली	oil-presser
बनिया	merchant	भड़भूँजा	parcher
डोम	drummer, etc., etc	वैद	physician

Persian-loans

बजाज	draper	हलवाई	confectioner
नानवाई	bread-maker	जुलाहा	weaver
इत्तार	perfumer	कसाई	butcher
दर्जी	tailor	जल्लाद	executioner
बकील	lawyer	मजदूर	labourer
दलाल	agent	मीरासी	drummer
कारीगर	artisan	रफूगर	darner
कलईगर	tinner	जिल्दसाज़	book-binder
मीनाकार	enameller	साईस	syce
कोचवान	driver	सर्पाफ	banker
हकीम	physician, etc, etc.		

In this connection it may be noted what are really indigenous professions, and their nature, as compared with those established or renamed since the advent of the Muslims into India. We shall only consider the professional terms from Persian.

(a) It is interesting to find that the word नाई barber, is Indo-Aryan, while some important articles of his use have Persian names. The native barber did have a razor, a pair of scissors, a nail cutter and other tools which he called खुर or कुरा (Sk. kṣura), कतरनी, नखनी (Sk. nakha-harana), etc. But the more popular use of उत्तरा and कैंची (razor

and scissors) suggests that the new tools were better and more decent. Even to-day we see the indigenous razor (छुरा) with a rough wooden handle and an ill-polished blade used by the street worker, side by side with the fine razor (उस्तरा) used by the saloon barber, and the safety razor (commonly called simply 'razor') imported from Europe. Compare also the Persian loans मोचना < mū cināh,¹⁸ tweezers, शीशा mirror, साबुन soap, etc

(b) Hieun Tsang (7th century A D) tells us that tailoring was unknown in India. The IA words तोर stitch, सीना to sew, and सूई needle, however, indicate that the art had come into existence long before the settlement of the Muslims, though tailoring as a profession might not have become the vogue earlier. The very word दर्जी, for a tailor, is Persian. The elaboration of living standards has necessitated the use of more garments, newer fashions and professional workers. We have already discussed that most of our important tailored clothes have Persian names. Note further the words सिंजाफ़, borderstitch, जेब or खीसा (kisaḥ) pocket, अस्तर lining, अस्तरी iron, पायचा foot of the trousers, बखिया stitch, and such other Persian terms now commonly employed in Indian tailoring.¹⁹ Compare also the names of European fashions in this connection.

(c) Similarly the words बजाज draper and हलवाई confectioner, show that these professions, most probably, did not exist before the introduction of Persian People used to have their cloth from weavers direct and make their own sweetmeats, and it appears that the rise of aristocracy in the Muslim times produced the need of agents, middlemen and shopkeepers. Hence also the words दलाल broker, सराफ़ banker, दूकान shop, दूकानदार shopkeeper, सौदा bargain, etc.

¹⁸ It is phonologically wrong to derive the word from Sk. mocana मोचन, releasing, as the "Bhāṣā Śabda Kośa" and the "Hindi Śabda Sāgar" do.

¹⁹ Also compare the names of indigenous clothes mentioned under ii (a) above.

Economic history of India, also, tells us that there were no regular shops in ancient India and that on account of the barter system, *हाट* or markets alone were the best organizations of the merchants. The absence of confectioners in pre-Muslim India was also due to the caste system and the question of untouchability.

The गज a yard, and गिरह $1/16$ of a yard, used by the diaper are Persian. Many of the varieties of fine cloths available even in modern markets are Persian in nomenclature, if not actually in origin. Examples—

कमख़ाब	गुलबदन	चिकन
अतलस	रेशमी	शबनम
दरियाई	कलाबत्न	

The जुलाहा weaver is merely a substitute for the OIA तडुवाय. The art of weaving, as History shows, is very ancient.

The confectioner has, generally, Indo-Aryan tools, but he makes a large variety of sweetmeats and preparations which have Persian names. This is also true in the case of the नानवाई bread-maker. तदूर oven was, perhaps, first used by him for despatch of work. His was, most probably, the first kind of a hotel in India. Indian hospitality of old could not tolerate the sale of bread and curry in the market.

(d) The word तरखान or बढई mason-carpenter is Indo-Aryan, but it is clear from the following list of Persian terms that the native artisan had, perhaps, clumsy tools which were easily replaced by the foreign ones. Some new tools were also introduced. The Persians were really expert in architecture, and they gave us new forms of buildings, such as महल palace, हवेली mansion, सराय inn, किला fort, मोरचा trenches, मकान house, हरम harem, दालान hall, etc. We owe to them the following terms as well—

पैमाना ruler, measure	तेशा adze
फुट्टा foot ruler	रदा plane
गुनिया square	सुम्बा ramrod

रहा layer	कुत्का a check
कवाजा a structure	काबला screw
गिलमाला leveller	पेच screw
बुर्जी turret	पेचकश screw driver
सलामी slanting wall, etc., etc.	

(e) The Persian terminology concerning horsemanship is quite conspicuous. There is no doubt that the Turanians, Turks, Arabs and Mughals were superior to the Indians in this respect. New breeds of horses were imported and we get the words अरबी Arabian, तुर्की Turk, मुश्की black, तुकरई white, and other names of classes of horses. The words साईस syce, and कोचवान driver, in our modern vocabulary, are Persian, and with these may be considered लगाम bridle, जीन saddle, रक्ताब stirrups, नाल shoe, खरखरा a brushing-tool, etc. A casual observer of these words might, quite justifiably, think that the horse was a wild animal in the pre-Mohammadan India. But we should not forget the superiority of the Persians in horsemanship which must be responsible for replacing many an Indo-Aryan term. Otherwise, Sanskrit literature is full of accounts about the training of horses. The use of horse in the battle-field was certainly not common before the Muslim rule.

(f) The absence of Indo-Aryan words for जहाद, executioner, and कसाई butcher, is not astonishing. The professions did exist before, but Indian culture did not allow the people to utter freely words relating to sins or sinful objects, as the words अवच, sin, (lit. not to be said), किकर, a menial, etc., clearly indicate. Note also that the words मृगया and आखेटक, hunting, game, and hunter have been replaced by Per. loan शिकार and शिकारी. These terms are an index of the change that has now come in the morality of the people.

(iv) *Sciences and Arts*

(a) The presence of a large number of Persian medical terms in Hindi can be accounted for by the fact

that the Āyurvedic system of medicine had declined in the Middle Ages, and that the Greek (Yūnānī) system, which was but the Indo-Greeco-Arabic science, was introduced and patronized by the Muslims for centuries. Common diseases have preserved their native phraseology but आतशक syphilis, सजाक gonorrhoea, नजला, जुकाम, cold, नासूर fistula, लकवा paralysis, हैजा cholera, बवासीर piles, मोहरका typhoid, and a number of other diseases came to be discovered, known or renamed under Persian influence. The prevalent use of the words हकीम for physician, and जराई for a surgeon, is significant. As the medium of instruction remained Persian, the Yūnānī study has been more common and the system more generally practised than the Āyurvedic. The combination of the barber's profession and the surgeon's art is a typically Persian institution.

The Persians also introduced many new medicines and medical terms. The following loans may be noted—

शरबत	syrup	अरक	juice or spirit
जुलाब	purgative	तेजाब	acid
मलहम	ointment	गुलकंद	rose-candy
माजून	a drug	रेबंद	} drugs
नोसादर	salt ammoniac	मोमियाई	
		तवाशीर	

and the herbs सना, अकरकरा, गावजवान, नीलोफर, उशबा, बिनफशा, अजवार, दुरज, उनाब, etc. Also the words दवा medicine, नुसखा prescription, नवज pulse, etc

(b) It is evident by comparison that originally the Hindi speakers used and knew the important colours, namely, रक्त red, काला black, पीला yellow, हरा green, नीला blue, चिद्धा or गोरा white, etc. But for the terminology of certain shades of colours we are indebted to Persian language. The Persians had, indeed, far more artistic tastes, as is also evidenced by their paintings. Examples—

तोतिया	parrot-like	प्याजी	onion-like
गुलाबी	pink, rose-like	अग्रूरी	grape-like

आसमानी	sky blue	बादामी	almond-like
किरमजी	crimson	सुरकी	jet-black
खाकी	dust-like, etc., etc		

The Persian names of main colours, सुर्ख red, स्याह black, सफेद white, जर्द yellow, etc., are also well known to the Hindi speakers, but they are not quite naturalized in their vocabulary.

(c) The Persian contribution to Music may be valued from the following names of instruments and notes—

साज	instruments	शहनाई	flute
तबला	} kinds of drums and tabors	तबूरा, सरोद	a kind of violin
रबाब		ख्याल	} notes
नौबत		कव्वाली	
नगाड़ा		तझाना	song, (Per. tarānah)
दमामा		मुजरा	a series of songs

The more common use of the word मीरासी drummer than the IA डेम may also be considered.

(d) The words कारीगर, रफूगर, कलईगर, मीनाकार, जिल्दसाज and others including those considered in Section (iii) above, and the terms connected with these professions are the proof of the manufacturing abilities of the Muslim settlers. Even to-day we find more keenness among the Muslims than among the Hindus regarding industries. Still the words are now simply Hindi.

(v) *Administrative Terms*

There is no doubt at all that at one time Persian administrative terms in Hindi were most predominant of all classes of words. This is quite natural. But on account of the spread of Indian vernaculars and the extension of Sanskrit vocabulary, especially in modern literary Hindi, the life of many a Persian term is becoming uncertain. The movement of reviving old terms is being further strengthened by the adoption of Hindi as

an alternative court language in the United Provinces and in some Indian States. Still we find the illiterate and common people usually talking about the Per. अदालत instead of IA न्यायालय, वजीर for मन्त्री, खजान्ची for कोषाध्यक्ष, हाकिम for कर्मचारी, and मुन्शी for लेखक. In fact the Persian loans have a wider scope than their Indo-Aryan parallels. Then, Persian and IA equivalents have come to convey different meanings, as do बादशाह, नवाब and राजा. In the judicial courts we still come across a lot of words which have no living parallels in Modern Hindi. Examples—

चपरासी	peon	जुर्म	crime
कुर्क	auction, attachment	मुकद्दमा	law-suit
रसीद	receipt ²⁰	कागज	document
मिसल	file	बही	account-book
बालिग	of age	कानून	law etc., etc.

Of the other civil and military administrative terms that are still surviving in Hindi (although some are now used in different contexts and spheres) we have—

दीवानी	civil	सुवा	province
फौजदारी	criminal	जमादार	a military rank
दफ्तर	office	किल्ला	a fort
दरबान	gate-keeper	जग	war
सजेदार	a military rank	तोप	cannon
सरकार	government	बंदूक	gun
बंदोबस्त	land settlement	फौज	army
माल	land system	खिपाही	soldier
मालगुजारी	land tax	तीर कमान	bow and arrow
दारोगा	officer	मोहर	seal
दौरा	tour	मुखतार	attorney
गवाह	witness	नौकर	servant
गिरफ्तार	arrest	नौकरी	service
जासूस	spy	संगीन	a weapon
तनखाह, तलब	pay	जिरह बख्तर	armour

²⁰ पहुँच is just a translation of the Per. word and does not convey the real sense.

गिरदावर	a village official	प्यादा	footman
मुनसिफ	judge	वरदी	uniform
जमानत	bail	लशकर	army
जालसाजी	forgery	लाम	battle
परवाना	pass	रियासत	state
बरी	acquitted	जादाद	property
सिका	coin, etc., etc	नालिश	suit

We can very well say that in the eye of present tendencies the fate of many of the administrative terms from Persian is doomed.

(vi) *Educational Terms*

It has already been said in the introductory part of the paper that the Mughals were staunch patrons of learning. We hear of libraries, schools and colleges founded and subsidised by them. The words कलम pen, कलमदान pen box, सोख्ता blotting paper, तख्ती writing tablet, सियाही ink, दवात ink-pot, कागज paper, रुक्का a slip, मसौदा manuscript, दफ्तर file, and such other words of Persian origin suggest that in the Middle Ages the whole art of writing was radically changed. The भोजपत्र or ताड़पत्र, palm leaves, were no longer useful, and so also other indigenous materials. किताब, from Persian, is the modern book which is quite different from the पोथी or ग्रंथ of the Indo-Aryans who usually tied the leaves in middle with a string. With the modern form of the book also came the words जिल्द book-binding, जिल्दसाज book-binder, शिकजा binder's press, दफ्ती, etc.

Language also bears out the fact that postal system, in whatever crude form it might be, had been established long before the coming of the British into India. The following terms are significant.—

खत	letter	पता	address
लिफाफा	envelope	सरनामा	address
हरकारा	postman	कालिब	writer

Also note the words खबर news, and अखबार newspaper.

(vii) *Games and Sports*

Historians have agreed that the chess was an Indian invention. But since its migration to Arabia and Persia the whole terminology concerning it has changed. All of its modern terms are loans from Persian. Compare—

शतरंज	chess	बाजी	over, finish	वजीर	Queen
मोहरा, नर्द	chessman	किश्त, शैह	check	पीला	Bishop
		बादशाह	king	फर्जी	Pedal
				रुख	castle

Of other terms the following still survive:—

कुश्ती	wrestling	गंजीफा	a play
पहलवान	wrestler	चौगान	hockey
दगल	wrestling-match	मैदान	playground

(viii) *Miscellaneous*

Without adding any notes we shall enumerate some important classes of Persian loan words in Hindi.

(a) *Parts of human body—*

बगल	armpit	बच्चेदानी	womb
मेदा	stomach	कलेजा, जिगर	liver
गरदन	neck	गुरदा	kidney
कमर	waist, etc.		

(b) *Titles—*

दीवान, बख्शी, सरदार, शेख, खलीफा, रईस, मिर्जा, साहब, हजरत etc.

(c) *Abuses—*

मूजी	tyrant	मकार	cunning
बेशरम, बेहया	shameless	बेतमीज	mannerless
बेवकूफ	fool	बदचलन	characterless
नालायक	stupid	शैतान	rascal
लफंगा	bully	कमबख्त	unfortunate
बेपीर	masterless	हरामजादा	bastard
पाजी	loose	कमीना	mean
शोहदा	vile	बदमाश	villain

(d) Birds—

कबूतर	pigeon	मुर्ग	cock
मुर्गाबू	water-fowl	शिकरा	eagle
बाज़, जुरा, बहरी	kinds of hunting birds	तोता	parrot

(e) Beasts—

शेर बबर	lion	शेर	tiger,
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(f) Gardening—

बाग	garden	जखीरा	nursery
गुलदस्ता	boquet	गुलाब	rose
लाला	poppy	हजारा	names of flowers
पैबद	grafting	नरगिस	

(g) Sundiy—

नहर	canal	दुआबा	the land between rivers
हिंद	India	पञ्जाब	the Punjab
दहाई	tens	हजार	thousand
बोरी	sack	मोम	wax
शहद	honey	बरसा	hair-dye
चरखा	spinning-wheel	गुबारा	balloon
चर्बी	fat	जग	rust
खरीता	bag	जीना	staircase
नमूना	sample	तारीख	date
कुचा	lane	सुहला	street
देहात	village	कस्बा	town
शहर	city	आदमी	man
मरदाना	male	जनाना	female
रस्म	custom	दहेज	dowry
सुबह	morning	शाम	evening

(h) Abstract Nouns—

रिगाअत	concession	शिकायत	complaint
शरारत	mischief	शैतानी	mischief
जिम्मा	responsibility	सिफारिश	recommendation
हौसला, हिम्मत	courage	परवाह	care
परहेज	precaution	जोर	force etc, etc.

The number of Persian words in Hindi vocabulary differs with individuals according to their training, environments and tastes. At a rough estimate we can say that in the total vocabulary of Persian loans, about 90 per cent are nouns. Of these the main classes of words have been discussed above. But it has to be remembered that every phase of our life, almost every action and every aspect of our culture, has something Persian to offer. We are not quite conscious as to how much Persianised we are. We have also to consider how poor Hindi would be without this foreign loan.

(ix) *Analogical Formations*

(including Hybrids and Fragmentary Words)

There are words in Hindi which have Persian basis and Persianised structure but which are Indian by birth. They are foreign only in the sense that their ancestors happened to come from outside India, and that their 'ethnological' features look non-Indian. The following words are not available in Persian itself, yet they are the outcome of Persian influence —

(a) पैदाइश, birth, and गुंजाइश, scope, Persian -ish is restricted to nouns derived from verbs only. We have extended it to other formations.

(b) सराफा and बजाजा, meaning markets for jewellery and drapery respectively.

(c) शरीफा, a kind of gourd, is more akin to Sk. श्रीफल than to any Persian word.

(d)

तुर्की	Turkish horse	अरबी	Arabian horse
मिस्ती	sugar	दस्तूरी	commission
रजाई	quilt	मिर्जई	a tunic
महताबी	a cracker	फरशी	a smoking pipe

and others are Indian manufactures.

(e) जगह, place, is a contamination of Per. 'jā,' place, and 'gāh', place.

(f) पजावा, kiln, < Per 'pazidan', was coined in India. So also साफ़ा, a small turban, and स्याहा, a diary.

(g) 'खैर-सल्ला', welfare, and राजी-खुशी, all well, are Indian phrases.

(h) The following compounds, with specific meanings, were made in India —

शेरपञ्जा	a kind of weapon	रुमाल	handkerchief
नजरबाग	house garden	इलालखोर	sweeper
चेहराशाही	rupee	दीवारगीर	a lamp

(i) It has to be noted that the words enumerated in (a) to (h) above are found even in the Persian literature of India. The following formations, though formed on the analogy of Persian compounds, occur in Hindi, never in Persian, as they are hybrid words, containing Persian fragments —

Per. -dān, in	सिंगारदान	a toilet box
	नासदान	a snuff box
	चूहेदान	a rat-trap
	फूलदान	a flower vase

—dāni (Indianized), in मूसदानी mouse-trap, बालूदानी a sand pot, मच्छरदानी mosquito-net.

Per. -dār, in सुरदार musical, समझदार wise, थानेदार police officer, नातेदार relative, नाकेदार a guard, पत्नीदार partner, रसादार full of gravy, चौकीदार watchman, बूटेदार embroidered, रुईदार of cotton.

Per. -bāz, in फड़बाज, keeper of a gambling house, धोखेबाज cheat, चालबाज cunning, बटेरबाज one fond of quails.

(Note that -bāz is used in bad sense in Hindi.)

Per. -khānā, in मोदीखाना a store-house, चट्टखाना opium house, चिड़ियाखाना zoo, छापाखाना printing press, जेलखाना gaol, डाकखाना post office, etc , etc

Per. -sāz, in घड़ीसाज watchmaker, तुकसाज a composer.

Per. -khor, in जूतीखोर mean, मैलखोर an apron.

Per. -posh, in पङ्खापोश fan cover, पलंगपोश bedspread.

Per. -vār, in बेबरेवार in detail, नम्बरवार by number.

Per. be-, in बेतार wireless, बेतुका blank verse, बेदंगा methodless, बेसुरा tuneless.

Also note the Persian fragments in घुआँकश a chimney, बढईगीरी carpenter's job, मिलनसार sociable

(j) Sometimes the suffixal or prefixal element in the hybrid compound is Indian. Examples—

- कट, in जेबकट a pick-pocket, गिरहकट a robber.

ति -, in तिमजिला threestoeyed, तिमाही quarterly, तिदरा a room having three doors.

चौ- , in चौतही a cloth having four folds,

चौमुहानी } crossing, चौहद्दी { the spot where four
चौराहा } boundaries meet.

This phenomenon of 'cross-breeding' is rare in language. It further emphasizes the fact that Indian and Persian cultures are so mixed up to-day that they have become really one.

(k) The following are the examples of Indo-Persian contaminations, phonetical, grammatical and semantic:—

पोस्ती	lazy	जबानी	oral
सब्जी	vegetable	मिजाजी	proud
रद्दी	useless	बाजारू	ordinary, common
बलबाई	quarrelsome	शर्मीला	shy
रुमाली	a loin-cloth	बिदाई	farewell
तुरकदा	a Turk	सरीकता	community
फतूरिया	mischievous, etc., etc		

(l) Sometimes Indo-Persian hybrids contain full words compounded but not very well mixed up. Examples—

दिलचला	fickle	मियाँमिट्ठू	one who flatters himself
जेब घड़ी	pocket watch	झंडावरदार	flag bearer
कुजीवरदार	key holder	मह्वरगस्त	ramble
मालगुदाम	godown	सेवा बंदगी	devotion
राजमहल	Royal palace	चिद्दीरसा	postman
पेशराज	a labourer	जूतीपैजार	scuffle
चोरमहल	a secret house	चोर दरवाजा	a secret gate
सफाचट	clean	हथियारबन्द	armed
लट्टबन्द	staff-holder, etc., etc.		

(2) OTHER PARTS OF SPEECH

It has already been stated that, besides the Persian nouns, which constitute a major portion of our debts, there is quite a good number of adjectives, verbs, adverbs and other indeclinables perfectly naturalized in Hindi. We shall just enumerate them below.—

(i) Adjectives—

ताजा	fresh	गलत	wrong	सादा	simple
खासा	good	ज्यादा	much	कारी	effective
दलेर	daring	लाचार	helpless	नकद	cash
चालाक	clever	पायदार	durable	नशीला	intoxicating
शर्मीला	shy	तर	wet	फालतू	extra
होशियार	clever	खाली	empty	नरम	soft
सख्त	hard	तेज़	sharp	कम	little
तंग	narrow	नमकीन	salty	तैयार	ready
मामूली	ordinary	बारीक	fine	पसन्द	likable, etc.

(ii) Verbs—

Hindi verbs taken from Persian exist in three forms.—

(a) Verbs formed by the addition of करना to do, होना to be, पड़ना to fall, आना to come, जाना to go, etc., to Persian nouns and adjectives. They are nominal compound verbs.²¹

Examples—

इनकार करना	to refuse	प्रसन्न करना	to please
तमाशा करना	to show a fun	आराम लेना	to rest
कल पड़ना	to feel relieved	तग आना	to be fed up
बीमार पड़ना	to fall sick etc., etc.		

The number of such verbs is quite large.

(b) Persian infinitives given the Hindi form (-na) as it was done in the case of OIA and MIA. Examples—

गुजरना	to pass, < Per. guzashtan
फरमाना	to say, < Per. farmūdan
बख़्शाना	} to grant, to excuse, < Per. bakhshīdan
आजमाना	
खरीदना	to try, < Per. azmudan
	to buy, < Per. kharīdan etc.

²¹ We shall see [IV, 3 (e)] that this tendency is predominantly Persian.

(c) Denominatives from Persian—

दागना	to brand, < Per. dāg
दफनाना	to bury, < Per. dafn
शर्माना	to blush, < Per. shaim
बदलना	to change, < Per. badal
सुस्ताना	to idle, < Per. sust
कफनाना	to enshroud, < Per. kafan
कबूलना	to accept, < Per. qabūl
नजराना	to be affected by evil eye, < Per. nazr

(iii) Adverbs—

जल्द	at once	बिलकुल	quite	फौरन	immediately
बगैर	without	शायद	perhaps	बेशक	doubtlessly
जरूर	must	हूबहू	verily	रुबरु	in front
हरगिज	at all	करीब करीब	nearly	वगैरह	etcetera
राजी खुशी	safely	कम से (अज)	कम	at least,	etc.

(iv) Other indeclinables—

बदले	instead	इलावा	besides	तरफ	towards
वास्ते	for	सिवाय	except	अगर	if
बाद	after	लेकिन	but	मगर	but
वरना	otherwise	चूँकि	because	चुनांचि	anyhow
बल्कि	on the other hand			गोया	as if
कि	that	या	or	शाबाश	bravo !
बस	that's all !	बले		well done,	etc.

(v) Pronouns—

It would be worth considering the demonstrative pronoun 'in' and 'ī' of Persian in tracing the origin of Old Hindi 'ī', which occurs in *Parthirāj Rāsau* as 'ih' and which had a further Persian sound [y] य and became 'yih', spelt as यर, this.

Similarly, the far demonstrative (and third person) pronoun 'ū', 'o' in Old Hindi may be compared with

Persian 'ū', 'o', which had a further Persian sound [v] व and became 'vuh', spelt as वह, that, in modern Hindi.²²

IV. Grammar

Ordinarily, we should not expect to have received any grammatical forms from Persian as the structure of Hindi had already been complete by the time Persian influences came to tell on the language. But when we consider the point that Hindi constructions have been effected and reformed by the influence of Urdu which still derives from Persian, and that the tendency to improve the language still continues in modern Hindi which is striving to reach a standard of literary and common language, it becomes evident that there must be certain features in our grammar which we owe to Persian, direct or indirect — (In fact all Persian influence on Hindi has been indirect)

(1) The gender of certain nouns has changed in Hindi. Cf.

वार्त्ता	talk (Sk. f.)	Hindi f. and m. both
घण्टा	hour (Sk. f.)	Hindi m.
आत्मा	soul (Sk. m.)	Hindi f and m. both
		under the influence of Ar. 'rūh', which is fem.

(2) The Determinative Compound (तत्पुरुष) in Persian is expressed in reverse order by joining the two elements by -i- (ya'e kasari) as in 'shāh-i-ālam', lord (shāh) of the world (ālam), 'sūbah-i-Dillī', the province of Delhi, etc. In Urdu this -i- is often omitted and we get 'शाह आलम', 'सूबा दिल्ली', 'शाह जहाँ', etc. In a number of Denominative compounds in Hindi the same form is available. Cf.

महाराज नेपाल	the king of Nepal
सम्पादक प्रताप	the Editor of the <i>Pratāp</i>
अध्यक्ष कार्यालय	Office Superintendent

²² Also compare the morphological notes by Dr. S. K. Chatterjee (*D.B.L.* § 567—572).

(3) The following forms of Hindi abstract nouns are, most probably, derived from Persian :—

(a) From adjectives by dropping the final vowel, on the analogy of Per. 'nang' honour, 'gayarat' shame, etc. Compare—

खोट	alloy	सीध	straightness
गंज	baldness, etc.		

(b) From verbs and adjectives by adding [-i-] or [-ai-] on the model of Persian 'shudani', fate, < Shudan, to be, and 'ruswai' disgrace, < ruswā. Persian had formed a lot of nouns in this way from Arabic. The process was carried on in the Indian Vernaculars. Dr. S. K. Chatterji²³ derives these two terminations from OIA -āpikā, which, it may be noted, is not used in this sense or in this way. Examples—

मिठाई	sweetmeat (from मीठा)	अच्छाई	goodness (from अच्छा)
सिलाई	act or charges of sewing (from सीना)		
धुलाई	act or charges of washing (from धोना)		
करनी	deed (from करना)	होनी	fate (from होना)
भरनी	result (from भरना)	गरमी	heat (from गरम)
मारी	plague (from मारना)	बेसमझी	ignorance (fr. बेसमझ)
	etc.		

(c) The same termination [-i-] has been extended to form abstract nouns from nouns of agency. This is specifically NIA way of noun formation actually derived from Persian. Compare—

वकीली	law practice, Per. 'vakīl', 'vakālat'.
हकीमी	medical practice, Per. 'hakīm', 'hikmat'.
गरीबी	poverty, Per. 'garīb', 'gurbat'.
डाक्टरी	medical practice, from Eng. 'doctor'.

(4) Although there are instances of analytical tendencies at the Prakrit stage and even earlier, we should

²³ D.B.L., § 402.

consider the entirely analytical character of Persian and the possibility of Persian prepositions translated and used as NIA post-positions. Cf.

Per. 'dar' (in)	H. में	Per 'rā' (to)	H. को
'bar' (on)	पर	'rā' (of),	H. का
'az' (from)	से	compare Bengali	
'bā' (with)	H. के साथ	-rā (-rā)	

(5) Sanskrit idiom did not encourage the use of 'karoti', 'bhavati', etc., to form verbs. It favoured the creation of single rather than of compound verbs. आहापयति, orders, is more idiomatic and correct use than आहा करोति. Similarly, इच्छति is better than इच्छां करोति, wishes. The formation of verbs from nouns and adjectives by the addition of करना, होना, पढ़ना, लेना, देना, आना, जाना, etc., is based on typically Persian models. Even in later Sanskrit we find the use of करोति and भवति, but not of the other verbs with substantives. Compare—

	Persian	Sanskrit	Hindi
to follow	'payarawi kardan'	अनुगम्	पीछा करना
to take rest	'āīām girīftan'	विश्रम्	आराम पाना
to be fed up	'tang āmdan'	सीद्	तंग आना
to be pleased	'khush shudan'	तुष्	प्रसन्न होना

Also note examples under VI (i) below.

V. Phonetics

Hindi has been struggling hard to assimilate the Arabo-Persian sounds [g] ع, [kh] ح, [f] ف, [z] ض, ذ, ز, ط,²⁴ [y] ی, [q] ق, [ʔ] ع, [ʔ] ه, and even [v]. Regarding [y] and [v], it may be said that they were not new sounds to IA., but phonological history explains that they had been changed into [j] and [b] respectively. Under the Persian influence and due to the effects of education which requires

²⁴ It has been pointed out by Azad in his *Sukhundān-i-Paras* that most of the Arabic sounds had already been assimilated in Persian pronunciation, though not in spelling

the right pronunciation of words, several Persian sounds have come to stay in Hindi. We do not only represent them by the device of putting a dot under their nearer Hindi equivalents (as ग, ख, क, ज, क, अ, etc.) but also try, even in our common speech, to utter them correctly.

It is a very great contribution of a foreign language.

VI. Phrases and Idioms

The word 'muhāvarā', idiom, itself is Arabic. If we analyse the Hindi idioms, we find them belonging to one of the following classes.—

(1) Idioms (the number of which is very large) containing Persian words which it is now impossible to replace. The following words occur commonly—

अकल	brains	हाल	condition	आदमी	man
आफत	calamity	आवाज़	voice	आसमान	sky
इज्जत	honour	ईमान	faith	कदम	step
कमर	waist	कलई	tinning	कलम	pen
किस्सा	story	कैची	scissors	खबर	news
खम	bend	खाक	dust	खून	blood
खयाल	idea	गरदन	neck	गरम	hot
गुल	flower	गुस्सा	anger	चादर	sheet
जखम	wound	जबान	tongue	जमीन	ground
जमाना	times	जहर	poison	जान	life
जोर	strength	नग	narrow	तख्ता	plank
तलवार	sword	ताजा	fresh	तूफान	storm
तेवर	looks	दम	life	दिल	heart
दिमाग	brain	नज़र	sight	नशा	intoxication
निशान	mark	नीयत	intention	पंजा	paw
पलक	eye-lash	पहलू	side	पेशाब	urine
पेच	coil	बगल	armpit	बाग	garden
बाज़	hawk	तोता	parrot	मगज़	brain
मजा	relish	मामला	matter	माल	property
मौज	wave, joy	रग	vein	राह	wav

रेज़ा	piece	वक्त	time	शक	doubt,
शरम	shame	शिकार	game	सलाम	salutation.
शैतान	demon	etc.			

(2) Idioms in which verbs have been used in their figurative sense.

(3) Idioms which centre round the parts of human body In such idioms the verbs, nouns, or both are used figuratively.

(4) Idioms in which human activities and necessities have been used to convey special significations

(5) Adjectival Idioms

The study of Classical literature shows that idioms in Sanskrit were rare Sanskritists believed in saying things direct and in plain, unequivocal words. Every word, in general, and every verb, in particular, had a definite sense. Prakrits do not carry the tendency any further But in Hindi idioms a large number of verbs are employed in various senses. The figurative use of verbs is an important feature in the formation of idioms, and this is a typically Persian characteristic. Secondly, the fact that the majority of our idioms contain Persian words shows unquestionably the influence of that language Thirdly, as we shall see in the following pages, many Hindi idioms are nothing but translations from Persian. Idiomatic usage is one of the elements which has made Persian such a sweet and flowery language This usage was thoroughly adopted by the cultured and educated classes who wanted to say things beautifully and pithily. Once the practice of expressing ideas in idioms had started, it was easily extended. And that accounts for the sudden rise and rapid growth of idiomatic usage in NIA

Without further discussion, which cannot be complete without historical data, we shall just give Persian and Hindi parallels below. It is most interesting to find

that there is not the least difference in the signification of the two groups.

(i) Verbs used in Figurative Sense

Per 'āmdan', to come, as in 'sar āmdan'

cf. H. (किसी के) सिर आना, to be possessed

also मुँह आना, to be salivated

आँख आना, to have sore eyes

Per 'raftan', to go, as in 'sar raftan', सिर जाना, to lose life

Per 'khwurdan', to eat, as in 'saugand khwurdan', सौगन्ध खाना,

to swear, 'gam khwurdan', to be

afflicted

cf. H. लौक खाना, to be afraid

धोखा खाना, to be deceived

'mār khwurdan', सोंप निगलना, to suffer grief

Per 'dādan', to give, as in 'nām dādan', नाम देना, to name

'rū dādan', मुँह देना, to face

also cf. H. पीठ देना, to flee

Per. 'shudan', to be, as in 'gul shudan', फूल होना, to be cremated

'bād shudan', हवा होना, to flee

Per. 'kardan', to do, as in 'amr kardan', आज्ञा करना, to order

'āzū k', इच्छा करना, to wish

'nazī k', नज़र करना, to see

Per 'dāshtan', to place, as in 'dushmanī dāshtan', शत्रुता रखना,

to keep enmity

'gosh d', कान धरना, to listen

'jahān d', जगत रखना, to be worldly

Per 'gūftan', to take, as in 'haraf g', बात पकड़ना, to check or

criticise

'āram g', आराम पाना, to rest

'zubān g', ज़बान पकड़ना, to check speech

Per. 'bastan', to tie, as in 'shait b', शर्त बाँधना, to bet

'mujrā b', निशाना बाँधना, to aim

Per. 'gushādan' } to open, as in 'fatah kalām k', मुँह
'fatah kardan' } खोलना, to speak

'raz g', भेद खोलना, to disclose a secret

'zubān g', ज़बान खोलना, to speak

- Per. 'zadan', to beat, kill, as in 'chashm z.', आँख मारना, to wink
bagl z.', बगली मारना, to rejoice at others' distress
'gīrah z.', गँठ मारना, to tie a knot
- Per. 'kashdan', to draw, as in 'āwāz k', आवाज़ें कसना, to shout
'khatt k', लकीर खींचना, to draw line
- Per. 'pechīdan', to turn, as in 'sai p.', सिर फिरना, to be a fool
also cf. H. 'आँख फिरना', to show aversion
'दिल फिरना', to get fed up
'दिन फिरना', to have good luck
- Per. 'payamūdan', to measure, as in 'shab p.', रात काटना, to
remain awake
also H. राह तै करना, to travel
- Per. 'shustan', to wash, as in 'dast az jān sh.', जान से हाथ धोना,
to lose life ;
also H. हाथ धोकर पीछे पड़ना etc., etc.

(ii) Parts of Body used in Idioms

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
rū dādan	मुँह देना,	to countenance, to favour
rū'e dāshtan	मुँह रखना,	to regard, to support
rū'e didan	मुँह ताकना,	to expect favour
rū'e kashīdan	मुँह चढ़ाना,	to hate
rū'e siyāhi	मुँह काला करना,	to disgrace
barū'e yak dīgar bayarūn āmdan	किसी के मुँह लगाना,	to fight
rū'e bāz gonah dāshtan	मुँह फेरना,	to deviate from a right path
chashm andāzāh shudan	आँख से गिरना,	to disregard
chashm barāh dashtan	आँखे राह पर लगाना,	to expect
chashm bar zamīn afgandan	आँख ऊपर न उठाना,	to blush
chashm khun ālūd	आँखों में लहू उतरना,	to be angry
chashm rasīdan	नज़र लगाना,	to be affected by evil eye
chashm poshi namūdan	आँख चुराना,	to wink at
do chashm chāī shudan	आँखे दो चार होना,	to meet
ham chashmī kardan	आँख मिलाना,	to vie with
chashm (ak) zadan	आँख मारना,	to blush, to wink
chashm namūdan	आँख दिखाना,	to rebuke

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
bar sar chashm	सिर ओखों पर,	respectfully
chashm dāshtan	आँख रखना,	to watch
chashm andākhtan	आँख नीचे करना,	to feel shame
bar pā <u>khwāstan</u>	अपने पाँव पर खड़े होना,	to support oneself
zer pā'e giriftan	पाँव तले रौंदना,	to crush
pā pas āwurdan	पाँव हटा लेना,	to retire, to abandon
pā buland kardan	पाँव उखड़ना,	to run
pā'e giriftan	पाँव घरना,	to walk
pā'e pechidan	पाँव फिरना,	to run
pā'e dar rāh nihādan	राह पर पाँव रखना,	to proceed
dandān namūdan	दाँत दिखाना,	to laugh, ridicule
dandān nihādan	दाँत रखना,	to covet
dandān kardan	दाँत बनाना,	to forbid
dandān firo guzāshtan	दाँत निकालना,	to strive, hate
dandān tez kardan	दाँत तेज करना,	to covet
angusht ba-dandān	दाँतों तले उँगली दबाना,	to be astonished
dil dādan	दिल देना,	to hearten
dil sayad shudan	दिल शिकार होना,	to be caught in love
dil tæg kardan	दिल उठा लेना,	to take off affections
dil namūdan	दिल दिखाना,	to show humanity
bār bar dil nihādan }	दिल पर बोझ (पत्थर) रखना,	to carry grief
dil <u>khūn</u> shudan	दिल भारी होना,	to be afflicted
dar dil giriftan	दिल का खून होना,	to be disappointed
az jān guzashtan	दिल में रखना,	to keep in mind
jān khwud firokhtan	जान से गुजर जाना,	to sacrifice life
jān dādan	जान बेचना,	to sacrifice life, risk
dast-o-pā zadan	जान देना,	to lose life
ba-dast āwurdan	हाथ पाँव मारना,	to strive
dast az jān shustan	हाथ आना,	to gain, procure
dast uftādan	जान से हाथ धोना,	to despair
dast afshandan	हाथ लगाना,	to find out
dast bar dast nishastan	हाथ भाड़ना,	to abandon
	हाथ पर हाथ रखकर बैठना,	to sit idle
dast bar dil nihādan	दिल पर हाथ रखना,	to have courage
dast pesh dāshtan	हाथ पसारना,	to beg
dast dādan	हाथ देना,	to assist
dast dāshtan	हाथ रखना,	to encourage
dast kashidan	हाथ खीचना,	to withdraw

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
dast gazīdan	हाथ मलना,	to regret
dast yāftan	हाथ लगना,	to possess
dast pācah shudan	हाथपारस होना,	to quarrel
dam dādan	दम देना,	to deceive, to encourage
dam <u>kh</u> wurda	दम खाना,	to jest, to be cheated
dam zadan	दम मारना,	to boast
dam giriftan	दम घुटना,	to be suffocated
dam kashīdan	दम निकालना,	to take respite
pahalū tahrī kārīdan	पहलू चुराना,	to shirk
pahalū zadan	कधा लगाना,	to associate
pahalū nihādan	करपट लेना,	to sleep
bagl zadan	बगली मारना,	to rejoice [at others' distress
bagl raftan	एक बगल जाना,	to go on one side of the road
angusht ba-dandān gazīdan	दोनों से उंगली काटना,	to be amazed
angusht (bar harf) nihādan	उंगली उठाना,	to blame
pusht pā zadan	पीठ पर पाँव रखना,	to take to one's heels
pusht dādan	पीठ देना, }	to flee
pusht namīdan	पीठ दिखाना, }	
pusht pā <u>kh</u> īdan	पीठ ठेंकना,	to encourage
sar bar <u>kh</u> att	सिर झुकाना,	to be obedient
sar bar kārīdan	सिर उठाना,	to rebel
sar az pā na-shanā ^k htan	सिर पैर न जानना,	to know nothing
sar āmdan	सिर आना,	to wax strong, to be possessed
sar afgandan	सिर नीचा करना,	to blush
sar buīdan	सिर उतारना, उबाना,	to behead
sar pesh kārīdan	सिर आगे करना,	to abandon oneself
sar juft kārīdan	सिर जोड़ना,	to whisper
sar <u>kh</u> ārīdan	सिर खुजलाना, खपाना,	to be desperate, to meditate
sar <u>kh</u> ārīdan	सिर खरीदना, लेना,	to behead
sar pā zadan	सिर पैर मारना,	to struggle
sar pes kashīdan	सिर हटाना,	to recede
sar pechīdan	सिर फिरना,	to be fool
sar <u>kh</u> wud giriftan	अपने सिर लेना,	to take responsibility

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
sar dādan	सिर देना,	to lose life
sar zadan	सिर मारना,	to enter suddenly
sar shudan	सिर होना,	to happen
sar firo āwurdan	सिर मुका लेना,	to submit
sar buland kardan	सिर ऊँचा करना,	to be proud, exalt
sar tā pā	सिर से पैर तक,	from top to toe
ba-sar o chashm	सिर आँखों पर,	with all respect
khūn shudan	खून होना,	to be beheaded
khūn kardan	खून करना,	to slay
dosh kardan	कंधा देना,	to support
rīsh dar dost kase dādan	अपनी डाढ़ी किसी के हाथ देना,	to entrust one's affairs to others
andām andām kardan	अंग अंग करना,	to dismember
sīnah kardan	छाती उभारना,	to boast
sīnah gushādan	छाती खुलना,	to put forth strength
zubān āwurdan	जबान पर लाना,	to tell
zubān burīdan	जबान काटना,	to bribe, silence
zubān dādan	जबान (बचन) देना,	to promise
zubān gushādan	जबान खोलना,	to speak
zubān giriftan	बात पकड़ना,	to criticise
shikam khārīdan	पेट खुलाना,	to pretend
ba-shikam raftan	पेट के बल चलना,	to crawl
āwāz kashīdan	आवाज कसना,	to shout
fatah kalām kardan	मुँह खोलना,	to begin a speech
qata' kalām kardan	बात काटना,	to interrupt speech
qadam afshurdan	पोंव जमाना,	to keep a firm footing
gām nihādan	पोंव रखना,	to step in
qadam ranjah farmūdan	चरण छूना,	to set foot
kamar bastan	कमर बाँधना,	to prepare for action
kamar gushādan	कमर खोलना,	to abandon
gardan khārīdan	गला फाड़ना,	to shout
gardan zadan	गला काटना,	to decapitate
gardan-kashi kardan	गर्दन उठाना,	to rebel
nākhun ba-dandān	नाखून चबाना,	to think deeply
gosh bardāshtan	कान खड़े करना,	to expect
gosh dāshtan	कान धरना,	to listen

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
nām nihādan, dādan	नाम रखना, नाम देना,	to name
nām bar āwurdan	नाम निकालना, करना,	to be reputed
az post barāmdan	पोल निकालना,	to reveal the secret
post bāz kaidan	पोल खोलना,	to disclose secret, etc., etc.

(iii) Worldly things in Idioms

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
jahān dashtan	जगत रखना,	to be formal
atash dādan	आग लगाना,	to set fire, to provoke
atash nishāndan	लगी बुझाना,	to appease anger
āb shudan	पानी होना,	to feel ashamed
bād shudan	हवा होना,	to flee, to disappear
bād kaidan	हवा करना,	to fan
khāk shudan	मिट्टी होना,	to die
gard awurdan	ख़ाक उड़ाना	to wander aimlessly
gul shudan	फूल होना,	to be cremated
gul kardan	गुल करना	to extinguish
khār shudan	कोटा बनना,	to be despised
khār nihādan	कोटे रखना,	to oppress
mayadān gushā- dah yāftan	खुला मैदान मारना,	to have free scope, to live merrily
bāg bāg	बाग बाग होना,	to be joyful
rang āwurdan	रंग लाना,	to become fruitful
rāh qatā' kardan	राह काटना,	to travel
rāh giriftan	रास्ता पकड़ना, राह लेना,	to proceed
rāh uftādan	राह पढ़ना,	to proceed
rāh payamūdan	राह नापना,	to travel
rāh dādan	रास्ता देना, छोड़ना,	to give way
rāh dīdan	राह देखना,	to expect
khisht zadan	पत्थर मारना,	to give rude answer
mom kardan	सोम करना,	to melt
namakdān shikastan	नमकहराम होना,	to be ungrateful
az jāmah bayarūm āmdan	जामे से बाहर होना,	to be overjoyed
jāmah qabā kardan	परदा फाड़ना,	to let out a secret
girah bar girah	गाँठ पर गाँठ,	difficulty upon diffi- culty

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
guah giriftan	गोंठ पबना,	to be firm, to be un- able to articulate
'uqadat kushā'i	गोंठ खोलना,	to solve a problem
dāman ba-dandān giriftan	दाँतों में कपड़ा डालना,	to submit
dāman dar rekhtan	पगड़ी उछालना,	to disgrace
dāman dar kashidan	दामन खींच लेना,	to avoid
kinā'ah giriftan	किनारा पकड़ना,	to retire
goshah giriftan	कोना पकड़ना,	to retire
pardah burdan	परदा उठाना,	to ravish
az pardah bai On shu- dan	परदे से बाहर होना,	to show oneself
az post bai āmdan	(बाल की) खाल उतारना,	to defame
tāq bar nihādan	ताक पर रखना,	to forget
qalam dai kashidan	कलम फेरना,	to obliterate
bāi bar dil nihādan	दिल भारी होना,	to be afflicted
bāi giriftan	बोझ उठाना,	to conceive
bāi pazīraftan	पाँव भारी होना,	to be pregnant
'anān subak kardan	बाग डीली करना,	to give free lance
'anān tāftan	बाग मोड़ना,	to change direction
mar khwurdan	सोंप निगलना,	to suffer grief
sitārah shamudan	तारे गिनना,	to pass a bad night, to be awake

(iv) Idioms about Human Activities

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
az kār raftah	काम का न रहना,	to be useless
ba-kār āmdan	काम में आना,	to be used
ba-kār āwurdan	काम में लाना,	to use
qata' ilāqah kardan	सम्बन्ध तोड़ना,	to cut off relations
qata' musāfirat kardan	सफ़र काटना,	to travel
safar-i-wapasīn	वापसी सफ़र,	death
koch kardan	कुच कर जाना,	to die
ārām giriftan	आराम पाना,	to be patient
dosti dāshtan	दोस्ती रखना,	to be friend
rashk khwurdan	रझक खाना,	to envy
tā'aruz kardan	सामना करना,	to face, oppose

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
qarār kardan	पक्का करना,	to confirm
qarār giriftan	चैन पाना,	to take rest
bar-qarār shudan	पक्का होना,	to be firm
faieb <u>kh</u> wurdan	धोखा खाना,	to be deceived
faieb dādan	धोखा देना,	to cheat
gol zadan	मक्कर मारना,	to play tricks
shart bastan	शर्त बाँधना,	to bet
hazam kaidan	खा जाना,	to embezzle
bismillah kardan	श्रीगणेश करना,	to begin
laizah giriftan	कपकपी लगाना,	to shiver
dard giriftan	दर्द पड़ना,	to ache
kh ab aī gi if tan	खबर लगाना,	to know
aql raftagī	अकल जाती रहना,	to lose reason

(v) Adjectives in Idioms

<i>Persian</i>	<i>Hindi Translation</i>	<i>Signification</i>
kam shudan	कम होना,	to fail, become deficient
kund namūdan	खट्टा करना,	to benumb
buland dīdan	ऊँचा देखना,	to look respectfully
bih shudan	अच्छा होना,	to be healed
pāk shudan	साफ होना,	to become obliterated
tang kardan	तंग करना,	to reduce to difficulties
tang āwurdan	तंग आना,	to be annoyed
halāl kaidan	भटका करना,	to slay
<u>kh</u> wush kardan	अच्छा करना,	to cure
zei-o-zabai kardan	नीचे ऊपर करना,	to disturb
sakht-o-naram namudan	सख्त सुस्त कहना,	to say harsh words
do chār zadan	दो चार लगाना,	to beat, fight
do chār kardan	दो चार करना,	
pesh āmdan	पेश आना,	to meet, to suffer
garm shudan	गरम होना,	to be excited
garm kardan	गरम करना,	to excite
manzūr kardan	नज़र करना,	to see
narm kardan	नरम करना,	to soothe

APPENDIX A

A list of synonymous words from Persian and IA parallelly existing in Modern Hindi (*vide* p. 7)

It may be noted that some of these words have a sure chance of survival on account of them (a) greater signification, (b) better expressiveness, (c) finer semantic values or (d) commoner use.

दर्द	७४	पीडा	अगर	७४	यदि
कोर	७४	बल, शक्ति	मगर	७४	किन्तु
मालदार	७४	धनी	या	७४	वा
लाल, सुख	७४	रक्त	अलावा	७४	अतिरिक्त
सबज	७४	हरा	उमर	७४	आयु
सफेद	७४	गौरा, चिट्टा	उस्ताद	७४	गुरु, आचार्य
जर्द	७४	पीला	तरफ	७५	दिशा, ओर
साक	७४	शुद्ध	यादा	७४.	प्रतिष्ठा
जुदा	७४	अलग	एतराज	७४.	आपत्ति
नरम	७४	फोमल	ऐब	७४.	दोष
सख्त	७४	कठोर	पेश	७४.	भोग विलास
जल्दी	७४	शीघ्र	औजार	७४	राज्य
थानी	७४	अर्थात्	औरत	७४	स्त्री
वैराक्त	७४	निस्सदेह	कतरा	७४.	बूँद
करीब	७४	निकट	कतल	७४.	बध
करीब करीब	७४	लगभग	कतार	७४	पक्ति
कम	७४	शोश	काफूर	७४	कपूर
जद	७४	कुछ	कमीना	७४	ओझा
इखतार	७४	वश, अधिकार	किरम	७४.	प्रकार
मजर	७४	स्वीकृत	कस्ूर	७४	अपराध
जुर्म	७४	अपराध	खास	७४	विशेष
इल्हाम	७४	अभिव्योग	आम	७४	साधारण
मुलक्तिम	७४	अभियुक्त	आफत, कहर	७४	आपत्ति
अखबार	७४	समाचार पत्र	काबू	७४.	वश
खबर	७४	समाचार	काविल	७४	योग्य
वजीर	७४	मन्त्री	कामयाब	७४	सफल
जमीन	७४	भूमि	किरमत	७४.	प्रारब्ध
दुनिया	७४	जगत्, ससार	किस्ता	७४.	कहानी
आसमान	७४	आकाश	कीमत	७४.	मोल
मेदा	७४	आमाशय	कुतुब	७४	श्रुत

कुरबान	व०.	निष्ठावर	निवाला	व०.	मास, कौर
कौद	व०.	बन्धन, कारावास	निशान	व०.	चिह्न
कौदी	व०.	बदी	मुकाबिला	व०.	विरोध
कौम	व०.	जाति, राष्ट्र	बनिस्वत	व०.	अपेक्षा
क़त्त	व०.	पागलपन	खिलाफ	व०.	विरुद्ध
खरगोश	व०.	शरा	खुरामद	व०.	चापलूसी
खर्च	व०.	व्यय	खुरानू	व०.	सुगधि
खालिस	व०.	शुद्ध	ख्याल	व०.	ध्यान
खाली	व०.	रीता	खदर	व०.	उपद्रव
तारीक	व०.	लक्ष्य, प्रशसा	राम	व०.	दुःख
इज्जत	व०.	आदर, प्रतिष्ठा	जरूरत	व०.	आवश्यकता
दगा, फसाद	व०.	भगदा	गरब, मतलब	व०.	प्रयोजन
फरेब, दगा	व०.	छल	गरीब	व०.	दरिद्र
दफा	व०.	बार	गरूर	व०.	धमक
दत्तर	व०.	कार्यालय	गवाह	व०.	साक्षी
दरजा	व०.	पद	गुलाम	व०.	दास
दलील	व०.	तर्क	गुस्ता	व०.	क्रोध
दस्तखत	व०.	हस्ताक्षर	गुस्ताख, बैअदब	व०.	अशिष्ट
दाखिल	व०.	प्रविष्ट	गोता	व०.	डुबकी
दिमाग	व०.	मस्तिष्क	चीज	व०.	वस्तु
दिल	व०.	मन, हृदय	जखम	व०.	घाव
दीवाना	व०.	पागल	जबरदस्ती	व०.	अत्याचार
दुम	व०.	पूँछ	जवाब	व०.	उत्तर
दुश्मन	व०.	शत्रु	सवाल	व०.	प्रश्न
दोस्त	व०.	मित्र	जहर	व०.	विष
दौलत	व०.	धन	जानवर	व०.	पशु
नक़ल	व०.	प्रतिलिपि	खराब	व०.	दुरा
नखरा	व०.	हाव-भाव	फाया	व०.	नष्ट
नफाफत	व०.	सुकुमारता	तकलीफ	व०.	कष्ट
नतीजा	व०.	फल	तबदीली	व०.	परिवर्तन
उमदा, नफीस	व०.	बढ़िया	तरकीब	व०.	ढग
नफा, फायदा	व०.	लाभ	तरक़्की	व०.	उन्नति
नमक	व०.	लोन	तरतीब	व०.	क्रम
नमी	व०.	आर्द्रता	तराशू	व०.	तुला, तखड़ी
निहारी	व०.	जलपान	तरीका	व०.	ढग, रीति
उम्मीद	व०.	आशा	तलाश	व०.	खोज
नाखून	व०.	नख	बजह	व०.	कारण
मजबूर, लाचार	व०.	विवश	तसल्ली	व०.	सतोष
नाचुक	व०.	सुकुमार	तसवीर	व०.	चित्र
नामर्द	व०.	नपुंसक	तार्ईद	व०.	अनुमोदन
ताकीद	व०.	अनुरोध	मातम	व०.	शोक

नुकसान	US	हानि	माफी	US	क्षमा
नुमाइश	US.	प्रदर्शनी	मामूली	US.	साधारण
नौजवान	US	नवयुवक	मालिक	US	स्वामी
पेशा	US	व्यवसाय	मीनार	US.	लाट
पेशवाई	US	अगवानी	मीरास	US.	बपीली
पेशाब	US	मूल	मुद्दत	US	काल, अवधि
पैदावार	US	उपज	मुनादी	US	डिडोरा
पैदा	US.	उत्पन्न	मुसाफिर	US.	यात्री, पयिक
फजूल	US.	व्यर्थ, निरर्थक	यतीम	US	अनाथ
फतूर	US	विकार	चार	US	मित्र
फक्र	US.	अन्तर	रज	US.	खेद
फरियाद	US	प्रार्थना	खानगी	US	चालान, प्रस्था
फाका	US.	उपवास, छुट्टी	रिस्तेदार	US	नाती
फिकिर	US	चिन्ता	रिह्त	US.	मुक्त
फैसला	US	निर्णय	रेगिस्तान	US	मरुभूमि
बदोनस्त	US	प्रबंध	रोखी	US	जीविता
बरीर	US	दिना	रोशनी	US	प्रकाश
बदहजमी	US	अजीर्ण	लारा	US.	शव
मेहरबानी	US.	कृपा	बजीफा	US.	छानवृत्ति
बरबाद	US.	नष्ट	बारदात	US.	घटना
बलराम	US	कक	बीरान	US	उजाड़
बहादुर	US.	शूरवीर	शरीफ	US.	भला
बहार	US	वसत, ऋतु	रादी	US.	ब्याह
बारिश	US	मैंह, वर्षा	शुक	US	धन्यवाद
बीमार	US	रोगी	शुरू	US	आरम्भ
बीमारी	US	रोग	शेखी	US	अहफार
बुखार	US.	ताप	शौक	US	चाव
बुखदिल	US.	डरपोक, कायर	सबा	US.	दंड
बेताब	US	व्याकुल	सलाह	US.	परामर्श, सम्मति
शरम	US	लज्जा	सुखी	US	आलस्य
बेहोरा	US.	बेसुध	सैलाब	US.	बाढ़
मजाक	US.	हँसी, ठट्ठा	हकदार	US	अधिकारी
मजा	US	आनंद	हमला	US.	चढ़ाई
मराहूर	US.	प्रसिद्ध	हरज	US.	बाधा
मसलन	US.	यथा	हिम्मत	US	साहस
मेहमान	US	अतिथि	हिस्सा	US.	भाग
महसल	US	कर	हुज्जत	US.	तर्क

APPENDIX B

A list of Persian loan-words semantically changed

	<i>Persian Meaning</i>	<i>Hindi Meaning</i>
बंदा	servant	man
पोस्त	skin	skin, poppy
पोस्ती	intoxicated	lazy
पैवद	grafting	grafting, patch
पेच	curl, twist	screw, difficulty, part of a machine
पुर्चा	piece	slip of paper, part of a machine
पार्चा	piece	cloth
पॉचिचा	foot	1 footpad in latrines 2. foot of the trouser 3. wrist
पाया	foot	foot, ladder, rank
पलीत (पलीद)	unlawful	dirty, ghost
पर्चा	a bit	slip, question paper
नीम	half	light
निहाल	plant, cushion	happy
निजाम	manager	Governor, Ruler of Hd.
निगाह	look, care	look, care, kindness
नफर	a number of men	servant, person, labourer
नक्शा	painted thing	chart, map
नकल	change	copy, farce
दीर	age	round
दुनियासाज	God	cheat, flatterer
दुनियादारी	worldly-mindedness	artificiality, household
दीवान	a title, an account book	minister, court
दिमाग	brain	pride
दारू	remedy	medicine, wine, gunpowder
दाना	grain	grain, gram, bead
दरिया	sea	river
शुर्ष	bird	cock
दर्गाह	gate	shrine, court

	<i>Persian Meaning</i>	<i>Hindi Meaning</i>
तोराखाना	pantry	wardrobe
तैयार	ready	ready, tight, fat
तूफान	violence, abundance	storm, flood, calamity
हमारा	moving about	fun, play
जलूस	sitting	procession
तहसील	receipt	a part of a district
दफ्तर	file	office
तलब	want	pay, call
जुल्म	darkness	cruelty
जीन	saddle	saddle, drill cloth
खिलादार	district officer	district officer, can- officer
जम्त	control	confiscation
जरदा	yolk of egg, a rice- pudding	a rice-pudding, a kind of horse, an element in tobacco
जवाब	reply	reply, revenge, equal
जरदी	yellowness	yolk of an egg
जर	gold	gold, wealth
जमादार	collector	sweeper
जबानी	by tongue	not written
जनाना	female	eunuch, harem, wife
जनाफा	A sick person, a dead body	bier
जखीरा	store	heap, plant nursery
चौगान	a stick	a play, playground
गुलाबी	belonging to the rose	pink, light
ख़ातिर	heart	sake, entertainment
ख़वाजा	eunuch	faqir, master, a title
ख़ानसामा	lord of the household	cook
ख़त	line	letter
ख़ार	thorn	thorn, jealousy
खानदानी	belonging to the family	of good birth
खस्सी	castrated	eunuch, he-goat
खस	straw	a special grass
खमीर	dough, leaven	nature, dough
कसबी	professional	prostitute
बरकत	abundance	kindness, profit
बरामद	come out	reclamation
बहार	spring	spring, pleasure

	<i>Persian Meaning</i>	<i>Hindi Meaning</i>
बही	revealed book	account book
बारानी	rainy	raincoat
बीमा	him = fear	insurance
बुखार	steam	fever
मशाल	light	torch
मसाला	opinion	spice
कुलाँच	a yard	jumps
मिर्जा	son of a rich man	a title
मीरासी	one who inherits	dinner
मोहर	seal	seal, ring, pound
रसद	arriving, store	part, division, provisions
रेजा	piece	piece of cloth
रेसा	fibre	fibre of mango or tree
सब्जी	vegetation	vegetable
सरकार	superior, head	Government master
सवारो	act of riding	rider, vehicle
हकीम	philosopher	physician
हफ्ता	week	week, Saturday
हवलदार	detainer	a military rank
शोरा	a particle, thread	point, pointed saying
तकरार	repetition	quarrel
खैरात	goodness	charity
फैलफूफ	philosopher	cunning
चिक	a fine cloth	chick made of reeds
कानूनगो	lawyer	a village official
गिरदावर	touring person	" "
खसम	enemy	husband
जुज	part	A form of 1 st page
बर्फ	snow	snow, ice
खलीफा	Caliph	barber's title
सूबा	province	province, governor
जाह-मखाह	as you wish	without reason
	etc., etc.	

APPENDIX C

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THE PROBLEM OF VYABHICHĀRI BHĀVAS

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I

The writers on Rasa theory, while dealing with Vyabhichāri Bhāvas, state that they appear and disappear in Sthāyi-Bhāvas in the same way as the waves do in the sea.¹ Before accepting this view the curiosity in our mind arises as to what is the nature of the Vyabhichāri Bhāva which is so subject to this appearance and disappearance.

Bharata asks 'what is it that happens' or 'causes something to happen' so that it is called Bhāva, for Bhāva literally means "that which happens" or "that which causes something to happen"? And the answer that he gives to this question is "that which enables us to realize the sense of the poetry with the help of speech, parts of the body and Sattva is called Bhāva";² or in other words, he says, "that, which enables us to know the ideas or emotions in the mind of the poet is called Bhāva."³ This definition as given by Bharata is not satisfactory, because it is not clear as to how we can distinguish between the means that enable us to know the Bhāva and the Bhāva proper. He seems to confuse the Bhāva proper with those other elements that serve as means to indicate it.

Dhanañjaya defines Bhāva as a mental state which the experiencer realizes when it is produced by feelings

¹ *Daśarūpaka*, Ch. IV—7.

² भावा इति कस्मात्; किं भवन्तीति भावा, किं वा भावयन्तीति भावा । उच्यते—
वागङ्गसत्त्वोपेतान्ताव्याख्यानभावयन्तीति भावा इति ।—Bharata's *Nāṭya Śāstra*, Ch VII.

³ वागङ्गमुखरागेण सत्त्वेनाभिनयेन च, कवेरन्तर्गतं भावं भावयन्भाव उच्यते ।

—*Ibid.*, Ch. VII—3

such as pleasure, pain and the like.⁴ Dhanika, the commentator of *Daśarūpaka*, tries to throw some light on this definition and says that when a particular Bhāva arises in the mind of the subject it pervades the mind.⁵ He derives its meaning from Bhāvana (pervading or feeling) and makes the word Bhāvana equivalent to Vāsana.

Bhānu in his *Rasataranginī* simply states that a psychic change is called a Bhāva,⁶ in the same way as Amarasingh in his *Amarakośah* gives the meaning of Bhāva as a psychic change.⁷

The modern Psychologists have dealt with emotions at great length. An experience, according to modern psychology, has three aspects, viz., cognitive, conative and affective.⁸

When I perceive an object, I cognize instinctively or on the basis of my previous knowledge or experience, my relation to that object, i.e., my cognition of the object will tell me whether the object is conducive to my welfare or harmful to me. If I know that the object is agreeable to me an impulse in my mind will draw me near it; on the other hand, if the object appears disagreeable there will be an impulse to avoid the object, thus the perception or cognition of an object in an experience is followed by another aspect of it which the psychologists call conation or impulse to act.

"Conation" says Professor Stout, "considered merely as a mode of consciousness in relation to objects, consists

⁴ सुखदुःखादिकैर्भाविर्भावस्तद्भावभावनम्—*Daśarūpaka*, Ch. IV—4.

⁵ अनुकार्याश्रयत्वेनोपनिबध्यमानै सुखदुःखादिरूपैर्भावैस्तद्भावस्य भावकचेतसो भावनं वासनं भावः । तदुक्तम्—'अष्टो ह्यनेन रसेन गन्धेन वा सर्वमेतद्भावितं वासितम्' इति ।
—*Daśarūpakāvaloka*.

⁶ यत्तु मनोविकारो भाव ।—*Rasataranginī*, Taranga 1.

⁷ विकारो मानसो भावोऽनुभावो भावबोधक ।—*Amarakośah*, *Nūṭyavarga*, I—21

⁸ Vide *Instinct in Man*, Ch. IV, p. 86—Dr. James Drever,

in wanting the object to be in some respects other than what it is or wanting it to continue as it is."⁹

All pleasures and pains (unpleasures) that come from success and failure pre-suppose conation or an impulse. Where an individual succeeds in achieving an end he gets the feeling of pleasure, and when he fails he has the feeling of pain, but sometimes "pleasure or pain is primary and not dependent on a prior want, when this is so, the conative attitude arises in dependence on the affective. We begin by feeling pleased or displeased with a certain object and in consequence we want it continued as it is or we want it to be changed."¹⁰

The feeling aspect of our experience has two antithetic modes, *i.e.*, pleasure and pain, just as conation has desire as positive and aversion as negative mode. It is necessary to bear in mind that in all our experiences these three aspects (*viz.*, cognition, conation and affection) are always present although one or the other may seem to us suppressed while the other appears to be very prominent.

Now we may ask: What is the place of emotion in our experience? What are the elements that constitute an emotion?

Psychologists themselves do not agree with each other in giving a satisfactory definition of emotion. Stout complains "According to some emotion is essentially a kind of sensation to general organic disturbance. According to others it is the massive revival of association of past pleasures and pains. According to others it is a tendency to behave in a particular way and must be regarded as a mode of conative consciousness"¹¹

According to McDougall, emotion is "a mode of experience which accompanies the working within us of

⁹ *A Manual of Psychology*, p. 118.

¹⁰ *Ibid.*, p. 119.

¹¹ *Op. cit.*, p. 405.

instinctive impulses." According to William James "An emotion is a tendency to feel . . . characteristically, when in presence of a certain object in the environment."¹² He holds as also W McDougall does, that "Every object that excites an instinct excites an emotion as well, and that the mere memory or imagination of the object may suffice to produce an emotional excitement."¹³ But James' theory of emotion does not agree with others when he asserts that feeling results from the bodily expressions which the other psychologists generally take as the manifestations of emotion awakened in the mind. James, however, says, "my theory, on the contrary, is that the bodily changes follow directly the perception of the exciting fact, and that our feeling of the same changes as they occur in the emotions."¹⁴

According to his theory of emotion we are afraid because we tremble not that we tremble because we are afraid. Other psychologists generally do not agree with him here, but his statement, that emotion is a tendency to feel, does not contradict others' views on emotion.

Dr. James Drever characterises emotion as involving an affective or feeling relation of the subject to an object either perceptual or ideal; that the pleasure-pain colouring in it is nearly always pronounced, that it is manifested by some bodily reactions; and that it "involves an impulsive force, a source of driving power, so to speak, which in the more marked cases tends to suspend the higher mental processes and to overwhelm purposes, resolutions and principles by its irresistible urgency towards immediate action."¹⁵

¹² *Psychology* (Briefer Course), p. 373.

¹³ McDougall's *An Outline of Psychology*.

¹⁴ W James, *op. cit.*, p 375.

¹⁵ *Instinct in Man*, Ch. VII, pp. 158-159.

William McDougall recognizes two senses of emotion. He admits that "sometimes it is used to mean only some emotional quality of experience . . . But sometimes an emotion is used to imply the whole mental and bodily process of the moment, and in this sense an emotion means much more than the emotional quality of our experience at that moment. . . . The second usage arises from the facts that each kind of emotional experience is normally accompanied by bodily changes which are called the expressions of emotion ; that every emotional excitement of the organism involves beside the emotional quality and its bodily expressions a third distinguishable factor which is very often ignored in discussions of emotion, namely, the conative factor in the total experience"¹⁶

McDougall admits the legitimacy of both the senses of emotion. And if we agree with Stout in that "affection and conation go together and are blended in intimate unity," and that "affection covers the passive side of our nature as conscious subjects and conation the active side,"¹⁷ then we may not find much distinction in the two senses of an emotion, save that in one of them the bodily changes are included in the emotion proper. We may, then, accept that in an emotion there are three main factors, viz, feeling, conation or impulse, and the bodily changes that denote the rise of an emotion.

Now, if we compare this modern psychological conception of an emotion to that of Dhanañjaya we will not find much difference between the two, for Dhanañjaya, as we have seen, recognizes the emotion (or Bhāva) as the realization of feeling produced by pleasure, pain, etc. As for the outward manifestation of an emotion the scholars of Rasa theory have classed them under Anubhāva or Ensuiants. The conception of Anubhāva denoting the bodily

¹⁶ *An Outline of Psychology*, pp. 316-317.

¹⁷ Stout, *op. cit.*, p. 112.

changes in an emotion implies the rejection of James' theory of emotion by these old Psychologists of India, for Anubhāva literally means "that which follows an emotion (or Bhāva)" or as Amarasingh mentions "Anubhāva indicates the Bhāva or emotion"¹⁸

One thing about emotion should be borne in mind that it is subjective not objective, or in other words, emotional qualities are significant of the nature of the subject, as McDougall observes, "the emotional quality serves also to indicate the subject himself the nature of his excitement and the kind of action to which he is impelled This last we may fairly suppose to be the essential function of the emotional qualities in our mental life."¹⁹

And if we could interpret the definition of emotion as given by Bharata, *viz.*, 'कवेरन्तर्गतं भावं भावयन्भाव उच्यते', as that Bhāva is so called because it indicates to the poet or individual as an experiencer or subject, the nature of his mental state or excitement, we could easily take the old Indian conception of Bhāva practically the same as the current psychological conception of it.

II

William McDougall has mentioned three classes of emotions, namely, Primary emotions, Blended emotions and Secondary emotions

Primary emotion is the peculiar emotional quality that accompanies the operation of any instinct. For example, in the working of the instinct of escape we have the emotion of fear, in the instinct of combat we have anger and similarly, the primary emotions of repulsion, tenderness, distress, sex and curiosity accompany the operation of the corresponding instincts, *viz.*, repugnance, the parental

¹⁸—अनुभावो भावबोधक — *Amarakośah.*

¹⁹ *An Outline of Psychology*, p. 326.

instinct, the instinct of appeal, the sexual or mating instinct, and the instinct of curiosity. As we shall see later on, the Sthāyī Bhāvas so well known in the Sanskrit poetics can be identified with such primary emotions

The blended emotions are excited only in the higher plane of developed mind. These blended emotions are experienced when two instinctive impulses are excited simultaneously, as for instance, admiration is a blended emotion which is experienced when the instincts of curiosity and submission are simultaneously excited in us. Similarly, loathing is a blending of two emotions, fear and disgust as excited by snake and the like

Derived emotions are dependent on the working of any other emotion but not constantly correlated with any impulse. "The word derived" says McDougall, "is here used to denote the fact that an emotion of this class is not constantly correlated with any impulse or tendency but rather may arise in the course of operation of any strong impulse or tendency, the emotion being dependent upon or derived from the working of the impulse under certain conditions."²⁰

A careful scrutiny of the derived emotions and their relation with the primary emotions will enable us to identify them with some of the Vyabhichāri Bhāvas as mentioned in the Sanskrit poetics. In the operation of a mental disposition there is an active impulse which impels the mind towards an end, either to avoid some unpleasant situation or to get the desired object, or in other words, the man wants an objective situation to be in some respect other than what it is or he wants it to continue as it is. But, in his efforts to achieve success, he faces varying objective situations which bring about some change in his conative tendencies. Thus his cognisance of the objective situations in the operation of some active impulse determines the

²⁰ *An Outline of Psychology.*

change in his conative experience which results also in the corresponding change in his feeling or effective attitude.

Take, for instance, the operation of the sex impulse when, according to the various objective situations, a lover experiences varying derived emotions while his love for his beloved remains constant. Suppose the lover has been asked by his beloved to meet her at a fixed place at a fixed time. When he receives the information he feels joy (हर्ष), and makes preparation. If he sees that there is not sufficient time so as to reach the place in time he feels perplexed and the feeling of unsteadiness (चपलता) overwhelms him. But, on the contrary, if he knows that the time is quite sufficient he proceeds with confidence (धृति); suppose, as he marches on, a doubt appears in his mind as regards her presence there a queer feeling of apprehension (शंका) intervenes but his confidence in her makes him hopeful; thus, hope makes him cheerful. But, when actually he reaches the place and finds her absent, his hope disappears and anxiety (चिन्ता) appears in his mind. Hope peers in at times but as he waits anxiety is on the increase. When he finds that the appointed time has already past and there appears no signs of her coming there despondency (दुराशा) takes the place of anxiety, and at last, when he is tired in his anticipation he becomes certain that she shall not come, despair (निराशा) overcomes him and he returns back. Now on his return he still thinks why he should have been befooled like that, he feels disgusted, a feeling of self-disparagement (निर्वेद), and yet his love for her is, none-the-less, as strong as ever. As he ponders over his painful anticipation, a feeling of indignation (अमर्ष) emerges in his mind. But suddenly another idea strikes in his mind and he thinks as to what may be the reasons of her failure to come to that place, if he imagines that she might have met an accident or a gang of rogues may have kidnapped her, an anxiety of apprehension about her

security again comes up in his mind and a shudder (त्रास) runs through his mind and so on and so forth. Here we see that according to the cognisance of the various ideal or perceptual objects or objective situations the lover's sexual emotion gives rise to the varying subtler emotions of confidence, hope, anxiety, despondency, despair, self-disparagement or discouragement, indignation, fright, apprehension and the like.

Since these subtler emotions are derived from or are dependent upon the same primary sexual emotions, we may give them the nomenclature of Derived Emotions.

A similar co-relation between sentiment and emotion as indicated by Shand is quoted by G. F. Stout "in the love of an object . . . , there is pleasure in presence and desire in absence, hope or despondency in anticipation, fear in the expectation of its loss, injury or destruction, surprise or astonishment in its unexpected change, anger when the course of our interest is opposed or frustrated, elation when we triumph over obstacles, satisfaction or disappointment in attaining our desire, regret in the loss, injury or destruction of the object, joy in its restoration or improvement, and admiration for its superior quality or excellence. And this series of emotions occurs, now in one order, now in another, in every sentiment of love or interest, when appropriate conditions are present."²¹

The same correlation between the so-called primary emotions and derived emotions exists also between the Sthāyi Bhāva and the Vyabhichāri Bhāvas as specified by the scholars of Sanskrit poetics. Bharata defines the Vyabhichāri Bhāvas as those (mental states) which help the Sthāyi Bhāvas by accompanying them in varying ways and yet harmoniously so as to enable the Sthāyi Bhāvas

²¹ Shand quoted by Stout in *A Manual of Psychology*, pp. 700-701.

to be turned into the corresponding Rasas or poetic pleasures when depicted in poetry or drama.²²

Dhanañjaya makes his definition clear enough and states that the Vyabhichāri Bhāvas are those mental states which specially accompany the Sthāyi Bhāvas in a harmonious way, and which thus emerge and submerge in a Sthāyi Bhāva like the waves in the sea.²³

Thus the Vyabhichāri Bhāvas appear and vanish away as episodes in the life-history of the Sthāyi Bhāvas.

Viśvanātha in his *Sāhitya Darpaṇa* almost quotes the definition of Dhanañjaya.²⁴ The great scholar Jagannātha, the author of *Rasa-Gangādhara*,²⁵ says that those mental states such as anxiety and the like which accompany the Sthāyi Bhāvas are called Vyabhichāri Bhāvas.

One common point which is almost stressed in all the above-mentioned definitions is that the Vyabhichāri Bhāvas accompany the Sthāyi Bhāvas which are emotions of love based on sex (रति), anger (क्रोध), fear (भय), astonishment (विस्मय), laughter or mirth (हास), etc., generally awakened by their specific natural objects. These Sthāyi

²²— cf “विविधमाभिमुख्येन रसेषु चरन्तीति व्यभिचारिण ।”

“वागङ्गसत्त्वोपेतान् प्रयोगे रसान्नयन्तीति व्यभिचारिण ।”

“विभावानुभावव्यभिचारिपरिबृक्ष. स्थायिभावो रसनाम लभते ।”

—*Nāṭya Śāstra*, ch. VII

²³—“विरोधादाभिमुख्येन चरन्तो व्यभिचारिण
स्थायिन्युन्मग्ननिर्मग्नाः कलौला इव वारिधौ”

—*Daśarūpaka*, ch. IV—7

²⁴—“विरोधादाभिमुख्येन चरन्तो व्यभिचारिण
स्थायिन्युन्मग्ननिर्मग्ना स्त्रयस्त्रिरात्मकीतिता ।”

—*Sāhitya Darpaṇa*, ch. III—167

²⁵—*Rasa-Gangādhara*,

[also cf. विरोधेणाभिः काव्ये स्थायिनं चारयन्ति ये

अनुभावादि हेतून्तान् वदन्ति व्यभिचारिण

जनित्वा ये न जायन्ते तेष्व वा व्यभिचारिणः

स्युत्पादयो हि प्रेमादौ भवन्ति न भवन्ति च”—Bhoja,

सरस्वती कण्ठाभरण, V—21-22

Bhāvas, therefore, can fairly be identified with some of the primary emotions mentioned by McDougall.

The second point is that while accompanying the Sthāyī Bhāva or latent emotion they co-operate with it, helping in its development, and for this very reason Mammata in his *Kāvya-Prakāśa* describes them as Sahakāris or auxiliaries of the Sthāyī Bhāva.²⁶

How these auxiliary emotions help in the development of the latent emotion or the primary emotion will be clear by example:—In love the auxiliary emotions or the Vyabhichārī Bhāvas such as joy, curiosity, pride, apprehension, bashfulness, and the like are generally experienced by the young lovers when they are together. These very emotions give, in a way, new life to the Sthāyī Bhāva. If, suppose, in according a reception to his young beloved the lover could not experience joy and such other emotions, we could hardly imagine what his love would look like. It would be something like cold indifferent emotion quite unbecoming of the lover, unless he had perfect control over his rising emotions. Similarly, if in separation the lovers could be devoid of the emotions like anxiety, depression, recollection, alarm, apprehension, debility and such other auxiliary emotions as generally emerge in the mind of the separated lovers, their primary emotion of love could neither be felt by themselves nor could it be manifest to others. As a matter of fact, love is intensified by these manifold auxiliary emotions which make it (*i.e.*, love) a colourful experience. The intensity or profundity of love is measured even by such auxiliary emotions as depression, anxiety and self-disparagement which are more or less painful and appear, when superficially observed, as contrasted against love.

²⁶—कारणान्वय कार्याणि सहकारीणि यानि च
रत्यादे स्थायिनो लोके तानि चेन्नायं काव्ययो
विभावा अनुभावाश्च कथ्यन्ते व्यभिचारिणः

Stout corroborates the scholars of Rasa theory when he points out the interdependence of sentiments and emotions which, he says, are the same as the dispositions and the actual states of consciousness respectively, and which, for our purpose, we may take as Sthāyi Bhāvas and Vyabhichāri Bhāvas. He remarks:—"Such a sentiment as friendship cannot be experienced in its totality at any one moment. It is felt only in the special phase which is determined by the circumstances of the moment. If we are parting from our friend, we feel sorry; if we are about to meet him after long absence, we feel joy; the joy and sorrow are actual experiences; but the sentiment which includes the susceptibility to either, according to circumstances, cannot in its totality be an actual experience. It is a complex emotional disposition which manifests itself variously under varying conditions. These varying manifestations are the actual experiences which we call emotions. Thus we may say that so far as the actual experience is concerned the sentiment is constituted by the manifold emotions in which it manifests itself."²⁷

The third important point about the Vyabhichāri Bhāvas is that they are not constantly correlated with any particular Sthāyi Bhāva but may arise and disappear according to the changing situations.

The principal points of distinction between the primary and derived emotions are mentioned by McDougall which apply also in the case of Sthāyi and Vyabhichāri Bhāvas.

"The primary emotion arises as the immediate consequence of thinking of some object or situation, and it does not presuppose or is not conditioned by any impulse already operative, when that object or situation is apprehended (with the exception of anger). The derived emotion, on the other hand, in all cases presupposes and is conditioned by some impulse, some desire or aversion, already at work,

²⁷ Stout, *op. cit.*, p. 701.

and is the product of the influence of a new cognition concerning the object of which that impulse is directed.

Secondly, each primary emotion springs from and is indication of excitement of a corresponding instinctive disposition. Whereas each derived emotion bears no such constant relation with any one instinctive disposition, but rather may arise in the developed mind in the course of the operation of any one of the instinctive impulses. The primary emotion may be spoken of as a force since it is constantly accompanied by an impulse towards some specific goal (an impulse which is the essential feature of the emotion). The derived emotions, on the other hand, cannot properly be regarded as forces; they are merely incidents in the working of the instinctive impulses, which are the only true forces that prompt and sustain thought and action. Fourthly, since each of the primary emotions springs from a disposition which is an enduring feature of the constitution of the organism, it is not gravely misleading to speak of such emotions as becoming organized within the sentiments; although it is more strictly correct to say that the affective-conative disposition of the corresponding instinct becomes organized or incorporated. On the other hand, it would be grave error to assume that any derived emotion (or any disposition corresponding to any derived emotion) can become thus organized within the structure of the mind, for no derived emotion springs from any one enduring disposition, rather, as we have seen, each of them is incidental to the operation of any one, or all of the conative dispositions.²⁸

III

It has now become almost a convention to recognize as many as 33 Vyabhichāri Bhāvas which were originally enumerated by Bharata in his *Nāṭya Śāstra*. They are .—

²⁸ McDougall's *An Outline of Psychology*.

1. Self-disparagement (निर्वेद), 2 Debility (ग्लानि), 3. Apprehension (शका), 4. Hatred (असूया), 5. Intoxication (मद), 6. Lassitude (श्रम), 7. Indolence (आलस्य), 8. Depression (दैन्य), 9 Painful reflection (चिन्ता), 10. Distraction (मोह), 11. Recollection (स्मृति), 12 Serenity (धृति), 13 Shame (वीर्या), 14. Unsteadiness (चपलता), 15. Joy (हर्ष), 16. Flurry (आवेग), 17 Stuporfaction (जड़ता), 18 Arrogance (गर्व), 19. Despondence (विषाद), 20. Impatience (औत्सुक्य), 21. Drowsiness (निद्रा), 22. Dementedness (अपस्मार), 23 Dreaming (सुप्त), 24. Awakening (प्रबोध), 25. Animosity (अमर्ष), 26. Constraint (अवहित्या), 27 Irascibility (उग्रता), 28 Resolve (मति), 29. Sickness (व्याधि), 30 Mental derangement (उन्माद), 31. Demise (मरण), 32. Alarm (त्रास), 33. Trepidation (वितर्क) ²⁰

Most of these Vyabhichārī Bhāvas are psychologically true derived emotions. But there seems to be confusion in regarding some of them as the emotional attitude of our experience. Some of them appear to be bodily states not psychic ones as they ought to be, while others look like pure intellectual activity. We shall, therefore, discuss a few such Vyabhichārī Bhāvas here which are likely to create some confusion.

Among those Vyabhichārī Bhāvas which look like intellectual activity are Recollection (स्मृति), Debate (तर्क) and Resolve (मति). Recollection, when considered as a Vyabhichārī Bhāva, is not a pure intellectual activity in which impressions upon our mind come from the mnemonic level to the level of consciousness. It is, on the other hand, that feeling which accompanies the noetic process of recollection, and which is manifested in recollection. Thus we call recollection painful or pleasant etc. It is definitely aroused by

²⁰N B —The English equivalents have been borrowed here from the English translation of *Kāvya Prakāśa* by Sir Dr. G. N. Jha. Sir George Grierson in his English translation of *Bhāṣā Bhūṣhaṇa* prefers to use the term Envy for असूया, Weariness for श्रम, Longing for औत्सुक्य, Impatience or Opposition for अमर्ष and Debate for वितर्क.

certain conditions relating to the Sthāyī Bhāvas. Persons in intense love recollect their amorous activities often with emotional zeal. Their act of recollection is not of such a type in which people have to lay much strain on their brains, as in recollecting some hard mathematical problem or something forgotten.

Bharata has defined Smṛti (स्मृति) quite perspicuously. He says that recollecting feelings of pleasure or pain is called Recollection.³⁰ This definition restricts Recollection within the sphere of emotion, and excludes the act of recollection which is devoid of emotional quality.

In the same way we must be very cautious when we speak of Debate (वितर्क) and Resolve (मति) as derived emotions or Vyabhichāri Bhāvas. We speak of them as derived emotions in so far as they are accompanied by some emotional attitude of our experience, arising from the cognition of the specific situation in relation to the Sthāyī Bhāvas. It is because of love, for instance, that the lovers recollect so rapturously their amorous activities, and it is love alone that is manifested in their feeling of recollection, and again it is the sentiment of love alone the development of which the Recollection promotes. It is, therefore, clear, that the Vyabhichāri Bhāvas such as स्मृति, मति and वितर्क which apparently appear to be noetic processes are Vyabhichāri Bhāvas, since the emotional quality predominates in them.

There are, yet, a few other Vyabhichāri Bhāvas enumerated by Bharata and all the other scholars after him, which cannot easily be reconciled with the general conception of emotion.

They are—Sickness (व्याधि), Death (मरण) and indolence (अलस्य). Sickness and Death cannot appropriately be called as emotions unless they are predominated by some emotional quality. Bharata mentions various causes

³⁰ स्मृतिर्नाम सुख दुःख कृतानां भावानामनुस्मरणम्.

of Death and among them are many fatal diseases, strokes of deadly weapons, snakebites and poisoning, etc., and even fatal accidents.⁸¹

Here also one may confuse the physical death with the Death as derived emotion. We are concerned only with the emotional aspect of death not the physical one. A lover pining away in separation from the most beloved object may meet his death and may experience a peculiar emotion at his death-bed. The emotion that accompanies the death of such a dying lover may be mixed with intensified sorrow or despair, or longing, or it may be mixed with quite opposite experiences as zeal, courage or satisfaction with the sense that he or she is dying in love. Thus we see two lovers dying in union for the fear of being disunited if they remain alive. In such death, which they gladly invite, there is neither the sorrow nor despair which is experienced by a lover who pines to death in acute longing to meet his beloved.

Dhananjaya is not justified, therefore, to leave the derived emotion of Death undefined remaining contented with the idea that it is a well-known fact.⁸² Death as a Vyabhichāri Bhāva, however, requires more elucidation. Much of the confusion regarding this Bhāva arises from the name it has been given, since Marana or death generally refers to the physical pain and the mental agony resulting from it at the time of death. The definition given by most of the scholars of Rasa theory is not satisfactory as they do not make any distinction between the biological process of death and the derived emotion that

⁸¹—मरणं ३ नाम व्याधिजमभिघातज च । तत्रात्रयकृच्छ्रलोषवैषम्यगण्डपिटकज्वर-
विस्फुल्लिकादिभिर्यदुत्पद्यते तद्व्याधि प्रभवम् । अभिघातज तु शास्त्राद्विदराविवधानश्चापद-
गजतुरगरथपशुयानपातविनाशप्रभवम् ।

—*Nāṭya Śāstra*, ch. VII.

⁸²—मरणं सुप्रसिद्धत्वादनर्थत्वाच्च नोच्यते ।

—*Daśarūpaka*, ch. IV—21.

accompanies death with which we are concerned in the study of Rasas.

Thus Viśvanātha defines Death as the parting of soul from body due to the striking of arrow, etc.³³ Here, as we see, stress is laid on the usual cause of death and its process

Jagannātha, the great scholar, on the other hand, states that the Vyabhichāri Bhāva death is the unconscious state preceding the actual death³⁴ But, the unconscious state preceding death, produced by the purely biological or physiological factors, is not a derived emotion. We have regarded Vyabhichāri Bhāva or derived emotion as an emotion stimulated by the specific situation as cognised by the subject in relation to the primary emotion. The sudden death caused by some fatal accident or blow, etc., which bears no relation to any primary emotion, cannot properly be regarded as a Vyabhichāri Bhāva.

Similarly, sickness (व्याधि) is a derived emotion when caused by emotional excitement. Bharata and many of his followers, however, confuse it with the bodily diseases unconnected with the primary emotion.³⁵

Dhananjaya, for instance, asks his readers to refer to the details of various diseases found in other works³⁶ (i.e., Āyurvedic Works); but, Jagannātha explicitly mentions separation from the beloved objects as one of the causes of sickness and stresses on its emotional aspect.³⁷ Bhānu

³³—शराचैर्मरण जीवत्यागोऽङ्गपतनादिक्रुत्

—*Sāhitya Darpaṇa*, ch. III—182.

³⁴—रोगादिजन्या मूर्च्छाकृपा मरण प्रागवस्था मरणम् । *Rasa-Gangādhara*.

³⁵—व्याधिर्नाम वातपित्तकफसंनिपातप्रभवः । तस्य ज्वरादयो विशेषाः, ज्वरस्तु द्विविधः सरीतः सदाहरश्च, इत्यादि.....

Nāṭya Śāstra, ch. VII.

³⁶—व्याधयः सन्निपाताद्यास्तेषामन्यत्र विस्तरः

—*Daśarūpaka*, ch. IV—29.

³⁷—रोग विरहादिप्रभवो मनस्तापो व्याधिः ॥—*Rasa-Gangādhara*.

also mentions fear and sexual passion, etc., among the causes of this emotion³⁸

Dhanika, in his *Avaloka*, a commentary on *Daśarūpaka*, gives the following poem to illustrate Vyādhī as Vyabhichārī Bhāva.³⁹

“अच्छिन्न नयनाम्बु बन्धुषु कृतं चिन्ता गुरुभ्योऽर्पिता
दत्त दैन्यमशेषतः परिजने तापः सखीष्वहितः
अद्य श्वः परिनिर्वृतिं ब्रजति सा श्वासैः परं खिद्यते
विश्रब्धो भव विप्रयोगजनित दुःख विभक्त तया ।”

—Here also, the cause of sickness in the suffering woman is the separation from her lover. We can, therefore, take Vyādhī as that intense emotional excitement which even causes fever, etc. This sickness serves as an indication of her intense love, not any hygienic disorder; for without her intense love for her lover, his separation would not have caused in her sickness at all. It is clear, therefore, that Vyādhī manifests love or other primary emotions working under it, as the other derived emotions like anxiety, despondency, etc., do. But toothache or stomachache, etc., are far away from being Vyabhichārī Bhāva as they are not caused by any primary emotions.

Apasmāra or fainting, in the same way, is an emotion when caused by emotional excitement of fear, love, etc.; but epileptic fits or swooning caused by weak health, etc., which bear no relation to any primary or latent emotion cannot be admitted as a Vyabhichārī Bhāva.

There are a few of the Vyabhichārī Bhāvas which can hardly be recognised as such. They are:—Drowsiness (निद्रा or तद्रा), Sleep (सुप्त), Dreaming (स्वप्न), and Awakening (विबोध).

Bharata includes Nidrā in his list of Vyabhichārī Bhāvas, but it is interpreted in two ways by the later writers on *Rasa*. Bharata himself describes it as drowsiness

³⁸ कुरितपातुभयकामकरोरादयो विभाषा—*Rasataranginī*, V Taranga.

³⁹ *Daśarūpaka Avaloka*, ch. IV.

preceding sleep and resulting from weakness, fatigue, indolence, reflection and heavy meals, etc., with its signs as yawning, laziness, etc.⁴⁰ Dhanañjaya states that in Nidrā the activity of mind is stopped temporarily ;⁴¹ but he describes its features in accordance with Bharata ; and Viśvanātha borrows his definition of Nidrā, to a large extent, from Dhanañjaya.⁴²

Jagannātha, on the other hand, characterises it, as also Bhānu before him did, as sleep proper. Bhānu, although he assumes to follow Bharata in his definition of Nidrā, clearly states that it, being the cause of dreams, precedes the Vyabhichāri Bhāva of Dreaming.⁴³ We can, therefore, identify Bhānu's conception of Nidrā with sleep proper.

Thus, we find difference of opinion with regard to Nidrā, since Bharata, Dhanañjaya and Viśvanātha take it to be drowsiness ; while Bhānu and Jagannātha characterize it as sleep. Similarly, Supta also has been described differently by Bharata and others. Bharata characterizes it as sound sleep following drowsiness produced by several causes and recognised by its usual perceptible features as breathing, closed eyes, etc.⁴⁴

⁴⁰ निद्रानाम् दीर्घलघुश्रमकलममदालस्यचिन्तात्याहारस्वभावादिभिर्विभावैः समुत्पद्यते ।
तामभिनयेद्वदनगौरवशरीराबलीकननेत्रवृक्ष्णगोत्रविलम्बणमान्यौच्छ्वसित सन्नगात्र
ताक्षिनिमीलनादिभिरनुभावे । *Nāṭya Śāstra*, ch. VII

⁴¹ मनः संमीलनं निद्रा चिन्तालस्य क्लमादिभिः ।

तत्र जृम्भाह्नभङ्गाक्षि मीलनोत्सप्रतादयः ॥ *Daśarūpakā*, ch. IV—23

⁴² चेत् संमीलनं निद्रा श्रमकलम मदादिजा ।

जृम्भाक्षिमीलनोच्छ्वासगात्र मंगादि कारयन् ॥ *Sāhitya Darpaṇa*,
ch. III—184

⁴³ इतरदिन्द्रियमपहाय मनस्त्वचि यदावर्तते तदा निद्रा सुप्तस्य कारणत्वासुप्ताय प्राग्
भरतेनोक्ता । स्वप्नवद् नाडिकायां मनोयदा वर्तते तदास्वप्नादि सभवः । तत्र विभावा
स्वभाव चिन्तालस्य क्लमादयः । अनुभावा पार्श्वकरण नयन भ्रमचलन विभ्रमवचन
स्वप्नदर्शनादयः । *Rasataranginī*, ch. V Taranga, cf. *Rasa-Gangā-
dhara*—अमादि प्रयोज्य चेत्संमीलननिद्रा ।

⁴⁴ सुप्तनाम—निद्राविभवः, इन्द्रियविषयोपगमनमोहनक्षितितलशयनप्रसारणानुकर्षणादि-
भिर्विभावैः समुत्पद्यते । निद्रासमुत्पत्तौ तदुच्छ्वसितसन्नगात्राक्षिनिमीलन सर्वेन्द्रिय
सम्प्राप्तोत्सवमादितादिभिरनुभावैरभिनयेत् । *Nāṭya Śāstra*, ch. VII.

Dhanañjaya does not deviate from Bharata in this respect also⁴⁶, but Viśvanātha differs from Bharata and Dhanañjaya by taking it to be Svapna or dreaming.⁴⁷

Jagannātha also describes it as dreaming. His illustration of this Bhāva depicts in a dream of the lover his beloved showing her indignation to him for his false promises.

“अकरुण ! मृपामाषा सिन्धो ! विमुञ्च ममाञ्जलम्
तवपरिचितः स्नेहः सम्यङ्भ्रमे” त्यभिमाषिणीम्
अविरलगलद्वाष्पां तन्वीं निरस्तविमूषयाम्
क इह भवती भद्रे ! निद्रे विना विनिवेदयेत् ॥⁴⁷

Thus of the three so-called Vyabhichārī Bhāvas, *viz.*, drowsiness, Sleep and Dreaming neither Drowsiness nor Sleep appears to be a Vyabhichārī Bhāva. Sleep cannot be accepted as an emotion properly. Because, firstly, it is not induced in general by the working of a primary emotion. In other words, unlike anxiety, confidence and other genuine Vyabhichārī Bhāvas or derived emotions, Sleep does not presuppose the rise of any primary emotions such as love, fear, anger, etc. Sleep is moreover, a state which is a biological necessity of our life more often taken than some natural regularity. Secondly, all emotions, proper, have in themselves, a marked feeling tone which is used by the subject according to his perception of the object or idea or situation. But in the case of sleep the subject is not conscious of the affective aspect of sleep, he is actually under its influence. In Apasmāra or Sopor also the subject is not conscious of his feeling tone or she is in an unconscious state. But Apasmāra, Sopor, sleep, results from some emotional excitement and the subject is aware of it when he or she falls senseless.

सुप्तं निद्रोद्भव तत्र श्वासोच्छ्वास क्रियापरम् । *Daśarūpaka*, ch. IV—22.
ममो निद्रासुपेतस्य विषयानुभवस्तु य
कोपावेगभयग्लानिसुखदुःखादिकारकः । *Sāhitya Darpaṇa*, ch. III—179.
Rasa-Gaṅgādhara

It may be argued that all states have their effect on the emotional experience of a man and thus in the state of drowsiness, sleep, fatigue, etc., a change, however slight, in the primary emotion or Sthāyi Bhāva, is bound to come. But this also leads us nowhere, for in that case the innumerable activities, and countless states correspondingly, will appear to have some such effect on his emotional experience, of which he is not conscious enough. What is an essential feature of a derived emotion or Vyabhichāri Bhāva, as has already been said, is that its rise and disappearance must occur as a result of the cognisance of a new situation in relation to the object or the primary emotion already aroused in the mind of the subject. But drowsiness and sleep do not occur like this. They are produced, on the other hand, by some biological necessities of our life irrespective of our emotions. A lover does not sleep because he is a lover, he sleeps or is drowsy because he is physically tired and he demands rest. But in the case of anxiety, despair or any other genuine Vyabhichāri Bhāva we can say that he is anxious or despondent or so, because he is in love or in sorrow, etc., and has an end to achieve.

Dhanika gives the following stanza to illustrate Supta or Sleep :—

“लघुनि दृष्ट कुटीरे क्षेप कोणे यवानां
नवकमलपलालखस्तरे सोपधाने
परिहरति सुषुप्त हालिक इन्द्रमारात्
कुचकलशमहोष्मावदरेखस्तुषार ।” (अवलोक)

What is the emotion here, we do not know. We simply find a couple of lovers soundly sleeping at a corner of their cottage in a winter night. It may serve as a vivid description of the external surrounding perceptible to us, but what derived emotion emerges in their Sthāyi Bhāva we cannot imagine.

In dreams we have often emotional experiences, although Bharata and some of his followers do not recognize

dreaming as emotion. But the emotions in dreams are more or less the same as are experienced in conscious state. A lover, for example, has experiences of sorrow, joy, anxiety, hope, confidence and all other emotions in his dreams. So dream, as a typical emotion specially as a Vya-bhichāri Bhāva, cannot be recognized. The only special feature in an emotion in dream is that it is an experience in a sub-conscious state.

Awakening (विबोध) is often understood as breaking of the sleep in an ordinary way, or due to some external disturbance, as the following illustration of Vibodha given by Jagannātha suggests —

“नितरां हितयाऽद्य निद्रया मे वत । यामे चरमे निवेदितायाः
सुदृशो वचनं शृणोमि यावन्मयि तावत्पञ्चकोप वारिवाहः ।”
(रस गगाधर)

Here we find that as the lover was just to meet his beloved in his dream the roaring clouds awakened him up. There may be regret or resentment against the disturbing clouds, or any other emotion as a result of the untimely disturbance of sleep, but awakening as an activity by itself is no emotion. Awakening, in this case, does not occur because the lover was in love but because his sleep was disturbed by the clouds. Therefore awakening is not dependent here upon the primary emotion of sexual love (रसि). We find a more convincing and better illustration for Vibodha in *Kumāra Sambhava* of Kālidāsa. We cite it below —

“त्रिभागशेषासु निशासु च क्षण
निमित्त्य नेत्रे सहसा व्यबुध्यत
क्व नीलकण्ठ ! व्रजसीत्यलक्ष्यवाक्
असत्यकण्ठार्पितबाहुबन्धना ।” (V Canto—57)

Here the sudden awakening of Pārvatī at the dead of night is caused by her restlessness due to her longing and love for Śiva. But this restlessness or whatever the emotional excitement for her sudden awakening may be, is the

derived emotion which is dependent on her intense love, and awakening itself is the Anubhāva or the outer manifestation of that emotion, *viz.*, restlessness or whatever we may call it.

Similarly indolence or Ālasya due to pregnancy, etc., is the effect and not the cause and hence it is not a derived emotion. Fatigue (श्रम) also is not a genuine emotion in the strict sense of the term and can hardly be accepted as a Vyabhichāri Bhāva, for it is a bodily state and is produced by the physical exertion. Intoxication (मद) is a derived emotion according to Bharata and all the other scholars after him, which is produced by the use of wine and other intoxicating drugs. Stout also recognizes two sources of emotional state —“Emotion may arise in connection with definite perception or ideas, as when good news excites joy; on the other hand, they may be primarily conditioned by organic changes, such as those which follow the use of alcohol or other drugs”.⁴⁸

But the emotional excitement due to the use of alcohol, etc., cannot be said as a direct result of a new situation in relation to the Sthāyi Bhāva. Secondly, the emotional excitement caused by the use of drugs, etc., does not presuppose the primary emotion at work. The use of these drugs, in reality, occasions a general change in the state of the nervous system which creates an emotional mood and once it is created ‘it tends to find object for itself and it may pass from one object to another, giving rise to a series of emotions of similar nature.’ Thus Stout remarks, “An emotional mood is not quite the same thing as an emotion properly so called”.⁴⁹

Mada, as a Vyabhichāri Bhāva, however, occurs in the Sthāyi Bhāva of Rati, etc., even without the use of wine,

⁴⁸ *A Manual of Psychology*, p. 407

⁴⁹ *Ibid.*

etc., Mīā describes her such state of intoxication (मद) in the following lines :—

“छाँड़ दई कुल की कान क्या करिहै कोई
सतन दिँग बैठि बैठि लोक लाज खोई
बुनरी के किये टूक टूक ओढ़ लीनी लोई
मोती मूँगे उतार बनमाला पोई ।”

She makes a distinction, as it were, between the state of Mada as a Vyabhichāri Bhāva and the intoxicating mood created by the use of wine.

‘और सखी मद पी पी माती, मैं बिनु पिये मदमाती ।’

Others, says she, are intoxicated by drinking wine, but I am intoxicated even without drinking. We can, therefore, recognize Mada as a Vyabhichāri Bhāva, but with some modification in its definition as given by the scholars of Rasa theory.

We conclude, then, that as the most of the Rasa theory is based fundamentally on the psychological principles, a few of the Vyabhichāri Bhāvas have to be discarded, because they are not psychologically genuine derived emotions or Vyabhichāri Bhāvas, and do not accord even with the definition of a Vyabhichāri Bhāva as given by Bharata and other scholars of Rasa theory. They are सुप्त, निद्रा, विबोध, आलस्य and श्रम.

The definitions of व्याधि, मरणा, अपस्मार and मद etc, require a little modification so as to make them clear as Vyabhichāri Bhāvas.

There are some other derived emotions which can be included in the list of Vyabhichāri Bhāvas and which have been neglected by the scholars of Rasa theory. Among them may be mentioned Hope (आशा), Despair (निराशा), Despondency (दुःशा), Surprise (आश्चर्य), Regret (अनुत्तर), Generosity (उदारता) and Partisanship (पक्षपात). These are not unimportant in the development of the Sthāyi Bhāva.

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CHEMISTRY SECTION

NEGATIVELY CHARGED SOLS OF FERRIC TUNGSTATE, MOLYBDATE, ARSENATE, PHOSPHATE AND BORATE

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The positively charged sols of ferric arsenate, ferric phosphate and chromic arsenate were studied by Grimaux,¹ Holmes and co-workers,² and these authors obtained for the first time their gels also. Prakash and Verma³ studied the peptisation of ferric arsenate, phosphate, molybdate and tungstate by ferric chloride in presence of various peptising agents which gave positively charged sols. Ferric borate sol and gel were also obtained by Prakash and Dhar.⁴ These authors also prepared positively charged sols and gels of thorium, zirconium and stannic salts,⁵ and since then, much work has been done by these substances. Whereas these positively charged sols have been investigated to a certain extent, very few attempts have been made to investigate their negatively charged sols. Weiser⁶ mentions the formation of negatively charged chromic hydroxide gel obtained by adding excess of sodium hydroxide to chromic chloride solution in presence

¹ Grimaux, *Comptes Rend*, 1884, 98, 1540

² Holmes and others, *J Amer Chem Soc*, 1918, 40, 1014

³ Varma and Prakash, *Z anorg Chem*, 1932, 205, 241

⁴ Prakash and Dhar, *J Indian Chem Soc*, 1930, 7, 367

⁵ Prakash and Dhar, *J Indian Chem Soc*, 1929, 6, 587

⁶ Weiser, *Colloid Sym Mono*, Wisconsin, 1923, 1, 46.

of ammonium sulphate Prakash and Dube⁷ studied the kinetics of the sol-gel transformation of negatively charged chromic arsenate obtained by peptising the precipitated chromic arsenate with caustic soda. It was observed by Sell⁸ as early as 1904 that in presence of ammonia, diammonium hydrogen phosphate dissolves a considerable quantity of ferric phosphate to a brownish red solution. He further observed that if the solution is dialysed until all electrolytes are removed, the sol may be shown to contain ferric phosphate, which is slightly basic, owing to a little ferric hydroxide. The addition of various salts to this sol induces gelatinisation. He obtained almost similar sols with aluminium and chromium phosphates, though of much less colloidal stability. It was observed by Biltz,⁹ Lockemann and Paucke¹⁰ and Sen and Dhar¹¹ that arsenious acid peptises freshly precipitated ferric hydroxide into a negatively charged sol but they did not observe that ferric arsenate can also give a negatively charged sol.

In the present series of papers, we shall be communicating our results on negatively charged sols and gels of various colloidal salts. For the first time we have prepared the negatively charged sols of ferric molybdate, arsenate and tungstate, and in this paper we shall record our results on the peptisation of these salts with ammonia in presence of glycerol and glucose.

Negatively Charged Ferric Arsenate

When potassium dihydrogen arsenate solution is added to ferric chloride solution, yellowish white or white precipitate of ferric arsenate is obtained. The precipitate

⁷ Prakash and Dube, *Z anorg Chem*, 1932, 208, 163

⁸ Sell, *Proc. Camb Phil Soc*, 1904, 12, 388.

⁹ Biltz, *Ber.*, 1904, 37, 3138

¹⁰ Lockemann and Paucke, *Kolloid Z*, 1911, 8, 273

¹¹ Sen, Ganguli and Dhar, *J. Phys Chem*, 1924, 28, 313

can be redissolved if we add to it an excess of ferric chloride. The solution thus obtained on dialysis gives a positively charged sol which can be set to a solid gel also. We have observed that the precipitated ferric arsenate can also be dissolved by ammonia to yield a clear reddish yellow sol with negative charge. The peptisation is facilitated by the addition of glucose or glycerine. In the following table, we are giving the *minimum* concentrations of ammonia necessary to peptise the precipitated ferric arsenate, when the time allowed is 30 minutes. The influence of the concentrations of constituents on the peptisation power of ammonia has also been investigated.

To a known volume of ferric chloride solution (corresponding to 30.36 g. of Fe_2O_3), was added a 40% solution of potassium dihydrogen arsenate. To the precipitated mixture was then added glucose or glycerine solution, and finally varying concentrations of ammonia were added, and the total volume was raised to 10 c.c. in every case. The reactions were done in test-tubes which were shaken and then allowed to stand at the room temperature for 30 minutes. The minimum ammonia concentration at which the precipitate clarified within the fixed time allowed was noted. The results are recorded in the following table.

TABLE I
Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 40 % KH_2AsO_4 (c. c.)	Amt. of 20% Glucose (c. c.)	Amt. of N-ammonia (c. c.)
Glucose concentration variation			
2.0	1.0	0	3.7
2.0	1.0	1.0	3.6
2.0	1.0	2.0	3.4
2.0	1.0	2.0	3.3
Ferric chloride concentration variation			
2.0	1.0	1.0	3.6
2.5	1.0	1.0	4.1
3.0	1.0	1.0	4.6

Amt. of FeCl_3 (c. c.)	Amt. of 40% KH_2AsO_4 (c. c.)	Amt. of 20% Glucose (c. c.)	Amt. of N- ammonia (c. c.)
Arsenate concentration variation			
2.0	1.0	1.0	3.6
2.0	1.5	1.0	3.8
2.0	2.0	1.0	4.0

TABLE II

Glycerine peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 40% KH_2AsO_4 (c. c.)	Amt. of Glycerine (c. c.)	Amt. of N-ammonia (c. c.)
Glycerine concentration variation			
2.0	1.0	0	3.7
2.0	1.0	1.0	3.4
2.0	1.0	2.0	3.1
2.0	1.0	3.0	2.8
Ferric chloride concentration variation			
2.0	1.0	1.0	3.4
2.5	1.0	1.0	4.0
3.0	1.0	1.0	4.6
Arsenate concentration variation			
2.0	1.0	1.0	3.4
2.0	1.5	1.0	3.6
2.0	2.0	1.0	3.8

Negatively Charged Ferric Phosphate

Positively charged ferric phosphate sol can be obtained by the dialysis of precipitated ferric phosphate peptised with an excess of ferric chloride. As observed by Sell, we obtained our negatively charged sol by precipitating ferric chloride solution (corresponding to 30.36 g Fe_2O_3 with 10% solution of ammonium phosphate. To the precipitated mass were added varying quantities of 20% glucose

solution or glycerine and then the varying concentrations of ammonia were added. The total volume was raised to 10 c.c. and the mixtures were shaken and allowed to stand for 30 minutes. The *minimum* quantity of ammonia necessary to clarify the precipitate within this time was recorded. It is not necessary to have ammonium phosphate as precipitant, we could have taken potassium dihydrogen phosphate also. We find that ammonium phosphate has given an interesting minimum as will be seen from the results recorded below.

TABLE III

Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% ammonium phosphate (c. c.)	Amt. of 20% glucose (c. c.)	Amt. of 4N- ammonia (c. c.)
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Glucose concentration variation

2.0	1.0	0	3.2
2.0	1.0	0.5	3.0
2.0	1.0	1.0	2.8
2.0	1.0	1.5	2.6

Phosphate concentration variation

2.0	1.0	1.0	2.8
2.0	1.5	1.0	2.6
2.0	2.0	1.0	2.4
2.0	2.5	1.0	2.2
2.0	3.0	1.0	2.0
2.0	3.5	1.0	1.8
2.0	4.0	1.0	1.3-2.0
2.0	4.5	1.0	2.2
2.0	2.5 of 20%	1.0	2.4

Ferric chloride concentration variation

2.0	2.0	1.0	1.8
2.5	2.0	1.0	2.8
3.0	2.0	1.0	3.8

TABLE IV

Glycerine peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% ammonium phosphate (c. c.)	Amt of glycerine (c. c.)	Amt. of 4 N- ammonia (c. c.)
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Glycerine concentration variation

2.0	1.0	1.0	2.6
2.0	1.0	2.0	2.4
2.0	1.0	3.0	2.1

Phosphate concentration variation

2.0	1.0	1.0	2.6
of 20%			
2.0	1.0	1.0	2.4
2.0	1.5	1.0	2.2
2.0	2.0	1.0	2.0
2.0	2.5	1.0	2.0-2.2
2.0	3.0	1.0	2.2
2.0	3.5	1.0	2.4

Ferric chloride concentration variation
of 10%

2.0	1.0	1.0	2.6
1.5	1.0	1.0	2.3
1.0	1.0	1.0	2.0

Negatively Charged Ferric Tungstate.

It was observed by Prakash and Dhar that ferric tungstate jellies are obtained by two methods: firstly, by directly mixing ferric chloride with sodium tungstate, and secondly, by dialysing and coagulating the sol obtained by peptising ferric tungstate with an excess of ferric chloride. The sols and gels obtained by these methods were positively charged. Now we have observed that ferric tungstate precipitate can be easily peptised with ammonia if glycerine or glucose is added. In the absence of these peptisers,

the peptisation is only possible with very strong concentrations of ammonia and that, too, is not complete. The method used in this case is also similar to that described in previous cases. To varying concentrations of ferric chloride solution (corresponding to 30.36 g Fe_2O_3 per litre), were added varying amounts of 10% $\text{Na}_2\text{WO}_4 \cdot 2\text{H}_2\text{O}$ solution. To the precipitate of ferric tungstate thus obtained were added glucose or glycerine and then the varying concentrations of ammonia. The total volume was made up to 10 c.c. in each case. The mixture was shaken and allowed to stand for 30 minutes. The minimum concentrations of ammonia necessary to peptise ferric tungstate during this period were recorded. The results are given in Tables V and VI.

TABLE V

Glycerine peptisation

Amt. of ferric chloride (c. c.)	Amt. of 10% sodium tungstate (c. c.)	Amt. of glycerine (c. c.)	Amt. of 4 N-ammonia (c. c.)
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Glycerine concentration variation

2.0	1.0	1.0	4.8
2.0	1.0	1.5	3.6
2.0	1.0	2.0	2.4
2.0	1.0	2.5	1.6

Tungstate concentration variation

2.0	1.0	2.0	2.4
2.0	1.5	2.0	3.0
2.0	2.0	2.0	3.6

Ferric chloride concentration variation

2.0	1.0	2.0	2.4
2.5	1.0	2.0	3.3
3.0	1.0	2.0	4.0

TABLE VI

Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% sodium tungstate (c. c.)	Amt. of 20% glucose (c. c.)	Amt. of 4 N- ammonia
Glucose concentration variation			
2.0	1.0	2.0	5.0
2.0	1.0	2.5	3.8
2.0	1.0	3.0	2.6
Ferric chloride concentration variation			
1.0	1.0	3.0	1.4
1.5	1.0	3.0	2.0
2.0	1.0	3.0	2.6
Tungstate concentration variation			
2.0	0.5	3.0	1.6
2.0	1.0	3.0	2.6
2.0	1.5	3.0	3.5

Negatively Charged Ferric Molybdate

It was observed by one of the present authors that when potassium molybdate solution is added to ferric chloride solution, a yellowish white precipitate is obtained which dissolves on shaking if ferric chloride is in excess. The clear mixture on standing for some time develops opalescence and, finally, if the concentrations are suitable, the whole mixture sets to an opaque jelly. Evidently, the jelly has come out of the positively charged sol. Now we have observed that the ferric molybdate precipitate can be peptised more easily by ammonia if in presence of glucose or glycerine, and the bright red sol thus obtained carries over the negative charge. The sols of negatively charged ferric tungstate and molybdate are much deeper in colour than the corresponding negatively charged ferric phosphate.

and arsenate We have also attempted to find out the minimum concentrations of ammonia necessary to peptise ferric molybdate precipitates It may be pointed out here that in the case of ferric tungstate and molybdate, the peptisation range is not so sharp as in the case of phosphate or arsenate The ferric chloride solution used was the same as in the previous case, the total volume was raised to 10 c c and the concentration of potassium molybdate was 10 per cent The time of observation was 30 minutes as in the previous cases The experimental procedure was also exactly similar

The results are recorded in Tables VII and VIII

TABLE VII
Glycerine peptisation

Amt. of FeCl_3 (c. c.)	Amt of 10% potassium molybdate (c. c)	Amt. of glyce- rine (c. c.)	Amt. of 5 N- ammonia (c c)
Glycerine concentration variation			
2.0	1.0	1.0	2.8
2.0	1.0	1.5	2.0
2.0	1.0	2.0	1.1
Ferric chloride concentration variation			
2.0	1.0	2.0	1.1
2.5	1.0	2.0	2.6
3.0	1.0	2.0	3.6
Molybdate concentration variation			
2.0	1.0	2.0	1.1
2.0	1.5	2.0	2.0
2.0	2.0	2.0	3.0

TABLE VIII

Glucose peptisation

Amt of FeCl_3 (c. c.)	Amt of 10% potassium molyb- date (c. c.)	Amt of 20% glucose (c. c.)	Amt of 5 N- ammonia (c. c.)
Glucose concentration variation			
2.0	1.0	2.0	4.6
2.0	1.0	2.5	3.2
2.0	1.0	3.0	2.6
Ferric chloride concentration variation			
1.0	1.0	3.0	1.8
1.5	1.0	3.0	2.2
2.0	1.0	3.0	2.6
Molybdate concentration variation			
2.0	0.5	3.0	2.2
2.0	1.0	3.0	2.6
2.0	1.5	3.0	2.9

The results recorded in the previous tables show that ferric arsenate and ferric phosphate can be peptised by ammonia alone in absence of an organic peptiser, whereas the amount of peptisation in the case of tungstate and molybdate is very little in the absence of glycerine and glucose. In all the cases, the peptisation is much facilitated in the presence of these peptisers, the ammonia necessary for peptisation in their presence decreases as the concentration of the peptiser increases.

We can have the comparative idea of the relative efficiencies as peptisers of glucose and glycerine in all the four cases in the following way. From the data already recorded, we can find by extrapolation the amount of ammonia necessary with the zero concentration of glucose or glycerine (the values thus obtained are realizable sometimes only), and then we can find the "half-ammonia number" of these organic peptisers, that is, the quantity of glucose or

glycerine which bring down the ammonia value to half. It may be pointed out here that within the limited range of experimentation, the glucose-ammonia graph is very nearly linear. These "half-ammonia numbers" are comparable as they correspond to the same iron content concentration.

TABLE IX

Substance	Half-ammonia numbers.	
	Glucose 20%	Glycerine
Ferric arsenate .	12 c c	6.2 c. c
Ferric phosphate .	3.8	5.7
Ferric tungstate ...	2.2	1.5
Ferric molybdate	1.8	1.4

From these half-ammonia numbers, we can say that the order of peptisation follows the following series

molybdate > tungstate > phosphate > arsenate

Ferric molybdate is most easily peptised, and arsenate comes last in the series.

From the results recorded in the previous tables, it will be seen that as the concentration of ferric chloride is increased, other constituents being maintained, the ammonia concentration necessary to bring out peptisation within the specified time is also increased. Similar is the behaviour with the increased concentrations of precipitants (potassium molybdate, potassium arsenate and sodium tungstate), the only exception is in the case of ammonium phosphate where we first get minima, and then the rise is observed. This is due to the ammonium ion adjustments.

We have further observed that the sols of ferric arsenate, phosphate, tungstate and molybdate are easily coagulated by electrolytes like potassium chloride, and are precipitated on boiling.

SECTION II—*Peptisation with Caustic Soda*

We have observed that the negatively charged sols of ferric arsenate, phosphate, tungstate, molybdate and borate can be obtained when the peptising agent is caustic soda instead of ammonia. In the following tables, we shall record our results with this agent. The experimental procedure was exactly the same, and the peptisation has been studied both in presence of glucose and glycerine. The concentration of ferric chloride solution used was the same as in the ammonia experiments (corresponding to 30.36 g. Fe_2O_3 per litre). The total volume was made up to 10 c c in every case.

Ferric phosphate sol

TABLE X

Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 20% KH_2AsO_4 (c. c.)	Amt. of 20% glucose (c. c.)	Amt. of N/2 NaOH (c. c.)
Glucose concentration variation			
1	1	0.1	2.8
1	1	1.0	2.8
1	1	2.0	2.8
1	1	3.0	2.8
1	1	0	No peptisa- tion with even 8 $\frac{1}{2}$ c c
Arsenate concentration variation			
1	1	1	2.8
1	2	1	3.0
1	3	1	3.2
Ferric chloride concentration variation			
1	2	1	3.0
1.5	2	1	4.0
2.0	2	1	5.0

TABLE XI

Glycerine peptisation

Amt. of FeCl_3 c. c.	Amt. of 20% KH_2AsO_4 (c. c.)	Amt. of glyce- rine (c. c.)	Amt. of $\text{N}/2$ Na OH (c. c.)
Glycerine concentration variation			
1	1	0	No peptisation
1	1	1	2.6
1	1	2	2.6
1	1	3	2.6
Arsenate concentration variation			
1	1	1	2.6
1	2	1	2.8
1	3	1	2.9
Ferric chloride concentration variation			
1	2	1	2.8
1.5	2	1	3.8
2	2	1	5.0

Ferric phosphate sol

TABLE XII

Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% KH_2PO_4 (c. c.)	Amt. of 20% glucose (c. c.)	Amt. of N-NaOH (c. c.)
Glucose concentration variation			
1	2	1	2.8
1	2	2	2.8
1	2	3	2.8
Phosphate concentration variation			
1	1	1	2.2
1	2	1	2.8
1	3	1	3.4
Ferric chloride concentration variation			
1	2	1	2.8
1.5	2	1	3.4
2	2	1	4.2

TABLE XIII

Glycerine peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% KH_2PO_4 (c. c.)	Amt. of glyce- rine (c. c.)	Amt. of N-NaOH (c. c.)
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Glycerine concentration variation

1	2	1	2.8
1	2	2	2.8
1	2	3	2.8

Phosphate concentration variation

1	1	1	2.0
1	2	1	2.8
1	3	1	3.6

Ferric chloride concentration variation

1	2	1	2.8
1.5	2	1	3.4
2	2	1	4.0

TABLE XIV

Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% Na- Tungs (c. c.)	Amt. of 20% glucose (c. c.)	Amt. of N-NaOH (c. c.)
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Glucose concentration variation

2	1	1	2.6
2	1	2	2.5
2	1	3	2.4

Tungstate concentration variation

2	1	1	2.6
2	2	1	2.8
2	3	1	3.0

Ferric chloride concentration variation

1	1	1	1.6
2	1	1	2.6
3	1	1	3.7

TABLE XV

Glycerine peptisation

Amt. of FeCl ₃ (c. c)	Amt of 10% Na- tungs. (c. c)	Amt of 20% sucrose (c c)	Amt of N-NaOH (c c)
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Glycerine concentration variation

2	1	1	2.4
2	1	2	2.3
2	1	3	2.2

Tungstate concentration variation

2	1	1	2.4
2	2	1	2.7
2	3	1	3.0

Ferric chloride concentration variation

1	1	1	1.1
2	1	1	2.4
3	1	1	3.8

Ferric molybdate sol

TABLE XVI

Glucose peptisation

Amt. of FeCl ₃ (c. c)	Amt of 10% K-molyb (c c)	Amt of 20% glucose (c c.)	Amt. of N-NaOH (c c)
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Glucose concentration variation

2	1	0.3	No peptisation
2	1	0.4	Peptisation
2	1	1	3
2	1	2	3
2	1	3	3

Molybdate concentration variation

2	1	1	3
2	1.5	1	3.5
2	2	1	4

Ferric chloride concentration variation

1.5	1	1	2
2	1	1	3
2.5	1	1	4.2

TABLE XVII

Glycerine peptisation

Amt. of FeCl_3 (c. c.)	Amt. of 10% K-molyb (c. c.)	Amt. of glyce- rine (c. c.)	Amt of N-NaOH (c. c.)
------------------------------------	--------------------------------	--------------------------------	--------------------------

Glycerine concentration variation

2	1	0.1	No peptisation
2	1	0.2	peptisation.
2	1	1	2.6
2	1	2	2.5
2	1	3	2.4

Molybdate concentration variation

2	1	2	2.5
2	2	2	3.4
2	1.5	2	2.9

Ferric chloride concentration variation

1	1	2	1.4
2	1	2	2.5
2.5	1	2	3.0

Ferric borate sol

TABLE XVIII

Glucose peptisation

Amt. of FeCl_3 (c. c.)	Amt of 8% borax	Amt. of 20% glucose (c. c.)	Amt of N/3 NaOH (c. c.)
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Glucose concentration variation

2	1	1	3.4
2	1	2	3.4
2	1	3	3.4
2	1	0.6	Peptisation
2	1	0.5	No peptisation

Borax concentration variation

2	1	1	3.4
2	1.4	1	3.8
2	1.6	1	4.6

Ferric chloride concentration variation

1	1	1	3.0
1.5	1	1	3.2
2	1	1	3.4

TABLE XIX

Glycerine peptisation

Ferric chloride solution was diluted to five times

Amt. of FeCl_3 (c. c)	Amt. of 8% borax (c. c)	Amt. of glyce- rine (c. c)	Amt. of $\text{N}/3$ NaOH (c. c)
Glycerine concentration variation			
2	1	0.4	No peptisation
2	1	0.5	Peptisation
2	1	1	3
2	1	2	3
2	1	3	3
Borax concentration variation			
2	1	1	3
2	1.5	1	4
2	2	1	4.8
Ferric chloride concentration variation			
2	1	1	3
1.5	1	1	2.7
1	1	1	2.2

The results recorded in these tables show a very striking fact. Though there is a minimum amount of glucose necessary to bring about the peptisation of these sols, yet the amount of caustic soda necessary to bring about the peptisation does not markedly vary with respect to the marked variations in the glucose concentrations. Similar results are obtained with glycerine concentration variation also. The other results are similar to those obtained in the case of ammonia peptisations. The caustic soda sols can be more easily dialysed and are better preserved than the ammonia sols due to the volatility of ammonia. The further investigation of these sols is in progress.

SUMMARY

The negatively charged sols of ferric arsenate, ferric phosphate, ferric tungstate and ferric molybdate have been prepared by adding to ferric chloride solution the precipitants as potassium dihydrogen arsenate, ammonium phosphate, sodium tungstate and ammonium molybdate, and then dissolving the precipitants in an excess of ammonia or caustic soda in presence of glucose or glycerine. The sols of ferric tungstate and molybdate are deeply coloured, and they are most easily peptised, the process of peptisation is quick also, the time allowed has not much influence on the peptisation point. Ferric arsenate and phosphate sols are obtained by slow peptisation. These sols can be precipitated by boiling and also coagulated with electrolytes. We have also prepared negatively charged ferric borate sols.